

DEPARTMENT OF JUSTICE APPROPRIATIONS  
AUTHORIZATION ACT, FISCAL YEARS 2004 THROUGH 2006

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FEBRUARY 24, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 3036]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill  
(H.R. 3036) to authorize appropriations for the Department of Jus-  
tice for fiscal years 2004 through 2006, and for other purposes,  
having considered the same, report favorably thereon with an  
amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—AUTHORIZATION OF APPROPRIATIONS**

Sec. 101. Authorization of appropriations for fiscal year 2004.  
 Sec. 102. Authorization of appropriations for fiscal year 2005.  
 Sec. 103. Authorization of appropriations for fiscal year 2006.

**TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS****Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies**

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.  
 Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.  
 Sec. 203. Congressional medal and plaque for public safety officers who responded to the attacks on the United States on September 11, 2001.  
 Sec. 204. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.  
 Sec. 205. Clarification of uses for regional information sharing system grants.  
 Sec. 206. Integrity and enhancement of national criminal record databases.

**Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime**

Sec. 211. Office of Weed and Seed Strategies.

**Subtitle C—Assisting Victims of Crime**

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.  
 Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.  
 Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.  
 Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.  
 Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.  
 Sec. 226. Change of certain reports from annual to biennial.  
 Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

**Subtitle D—Preventing Crime**

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.  
 Sec. 232. Changes to distribution and allocation of grants for drug courts.  
 Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.  
 Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

**Subtitle E—Other Matters**

Sec. 241. Changes to certain financial authorities.  
 Sec. 242. Coordination duties of Assistant Attorney General.  
 Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.  
 Sec. 244. Repeal of certain programs.  
 Sec. 245. Elimination of certain notice and hearing requirements.  
 Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.  
 Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.  
 Sec. 248. Office of Audit, Assessment, and Management.  
 Sec. 249. Community Capacity Development Office.  
 Sec. 250. Office of Applied Law Enforcement Technology.  
 Sec. 251. Availability of funds for grants.  
 Sec. 252. Consolidation of financial management systems of Office of Justice Programs.

**TITLE III—MISCELLANEOUS PROVISIONS**

Sec. 301. Technical amendments relating to Public Law 107–56.  
 Sec. 302. Miscellaneous technical amendments.  
 Sec. 303. Minor substantive amendment relating to contents of FBI annual report.  
 Sec. 304. Use of Federal training facilities.  
 Sec. 305. Privacy officer.  
 Sec. 306. Bankruptcy crimes.  
 Sec. 307. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.

**TITLE IV—DNA DATABASE ENHANCEMENT**

Sec. 401. Short title.  
 Sec. 402. Inclusion of DNA samples from all persons convicted of violent felonies.  
 Sec. 403. Authorization for States to upload DNA samples collected in a lawful manner.  
 Sec. 404. Requirement that law enforcement officers be able to compare collected DNA samples with national database.  
 Sec. 405. Reauthorization of DNA backlog grant program.

**TITLE V—KOBAYASHI ACT**

Sec. 501. Short title.  
 Sec. 502. Findings.  
 Sec. 503. Establishment of an Office in the Department of Justice to undertake specific steps to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally.  
 Sec. 504. Authorization of appropriations.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for fiscal year 2004, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

- (1) GENERAL ADMINISTRATION.—For General Administration: \$133,772,000.
- (2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$197,420,000 for administration of pardon and clemency petitions and for immigration-related activities.
- (3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$70,000,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.
- (4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$665,346,000, which shall include—
  - (A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;
  - (B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and
  - (C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.
- (5) ANTITRUST DIVISION.—For the Antitrust Division: \$141,898,000.
- (6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,556,784,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of laws prohibiting unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.
- (7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,639,569,000, which shall include—
  - (A) not to exceed \$1,250,000 for construction, to remain available until expended;
  - (B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and
  - (C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.
- (8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$720,806,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.
- (9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,677,214,000.
- (10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,558,743,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.
- (11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$851,987,000.
- (12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,145,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.
- (13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$541,844,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.
- (14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,212,000.
- (15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,526,000.
- (16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,051,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$810,125,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$34,077,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$140,083,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$145,768,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$33,240,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,000,000.

#### SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

There are authorized to be appropriated for fiscal year 2005, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$136,447,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$201,368,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$71,400,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$678,652,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$144,736,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,587,920,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,732,360,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$735,222,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,770,758,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,589,918,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$869,027,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,268,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$552,681,000, for expenses not otherwise provided for,

for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,236,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,716,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$23,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,272,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$826,327,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$34,758,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$142,885,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$148,683,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$33,904,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,020,000.

#### SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$139,176,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$205,395,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$692,225,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$147,631,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,619,678,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,832,107,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$749,926,000 which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,866,173,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,621,716,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$886,407,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$159,393,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$563,918,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,260,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,910,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$24,428,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,497,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$842,854,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$35,453,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$145,743,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$151,657,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$34,582,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,040,000.

## **TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE’S GRANT PROGRAMS**

### **Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies**

#### **SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

#### **“Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program”;**

(B) by amending section 500 to read as follows:

##### **“SEC. 500. NAME OF PROGRAM.**

“(a) IN GENERAL.—The grant program established under this subpart shall be known as the ‘Edward Byrne Memorial Justice Assistance Grant Program’.

“(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).”; and

(C) by inserting after section 500 the following new sections:

**“SEC. 501. DESCRIPTION.**

“(a) GRANTS AUTHORIZED.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- “(1) Law enforcement programs.
- “(2) Prosecution and court programs.
- “(3) Prevention and education programs.
- “(4) Corrections and community corrections programs.
- “(5) Drug treatment programs.
- “(6) Planning, evaluation, and technology improvement programs.

“(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

- “(1) neighborhood or community-based organizations that are private and nonprofit;
- “(2) units of local government; or
- “(3) tribal governments.

“(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

“(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

“(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

“(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

- “(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- “(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
  - “(A) vehicles, vessels, or aircraft;
  - “(B) luxury items;
  - “(C) real estate;
  - “(D) construction projects (other than penal or correctional institutions);

or

“(E) any similar matters.

“(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

“(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

“(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

**“SEC. 502. APPLICATIONS.**

“To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

“(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

“(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

“(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

“(A) the application (or amendment) was made public; and

“(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

“(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

“(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

“(A) the programs to be funded by the grant meet all the requirements of this subpart;

“(B) all the information contained in the application is correct;

“(C) there has been appropriate coordination with affected agencies; and

“(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

**“SEC. 503. REVIEW OF APPLICATIONS.**

“The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

**“SEC. 504. RULES.**

“The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

**“SEC. 505. FORMULA.**

“(a) ALLOCATION AMONG STATES.—

“(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall allocate—

“(A) 50 percent of such amount to each State in amounts that bear the same ratio of—

“(i) the total population of a State to—

“(ii) the total population of the United States; and

“(B) 50 percent of such amount to each State in amounts that bear the same ratio of—

“(i) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

“(ii) the average annual number of such crimes reported by all States for such years.

“(2) MINIMUM ALLOCATION.—Notwithstanding paragraph (1), no State shall receive less than .25 percent of such total amount for each fiscal year.

“(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

“(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

“(2) 40 percent shall be for grants to be allocated under subsection (d).

“(c) ALLOCATION FOR STATE GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

“(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

“(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

“(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

“(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

“(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

“(2) ALLOCATIONS FOR CATEGORIES OF LIKE UNITS OF LOCAL GOVERNMENT.—Of the amounts referred to in paragraph (1), each of the four categories of like governmental units (county, city, township, and other) within a State shall be allocated an amount that bears the same ratio of—

“(A) the total expenditures on criminal justice by units of local government in that category within that State in the most recently completed fiscal year to—

“(B) the total expenditures on criminal justice by all units of local government within that State in such year.

“(3) ALLOCATIONS FOR UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated to a category under paragraph (2), each unit of local government in that category within that State shall be allocated an amount that bears the same ratio of—

“(A) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such unit of local government for the three most recent years reported by such unit of local government to—

“(B) the average annual number of such crimes reported by all like governmental units for such years.

“(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

“(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

“(2) ALLOCATIONS UNDER \$10,000.—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

“(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately-preceding 10 years.

“(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State’s allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part I violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

“(g) SPECIAL RULES FOR PUERTO RICO.—

“(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding subsection (b), of the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to Puerto Rico.

“(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

“(h) DEFINITION.—

“(1) IN GENERAL.—For purposes of this section, the term ‘like governmental unit’ means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes.

“(2) CERTAIN LIKE UNITS REQUIRED.—Notwithstanding paragraph (1), in determining the meaning of such term for purposes of this section—

“(A) all counties (including parishes) shall be treated as like governmental units;

“(B) all cities shall be treated as like governmental units;

“(C) all townships shall be treated as like governmental units; and

“(D) all governmental units of other particular types shall be treated as like governmental units of such types.

**“SEC. 506. RESERVED FUNDS.**

“Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

“ (1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

“ (2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

**“SEC. 507. INTEREST-BEARING TRUST FUNDS.**

“(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

“(b) EXPENDITURES.—

“ (1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

“ (2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

“ (3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

“(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

**“SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subpart \$1,075,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.”

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking “such as” and all that follows through “the M.O.R.E. program” and inserting “such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program”.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking “pursuant to section 511 or 515” and inserting “pursuant to section 515”;

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking “the program evaluations as required by section 501(c) of this part” and inserting “program evaluations”;

(ii) in subsection (a)(2), by striking “evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part” and inserting “evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part”; and

(iii) in subsection (b)(2), by striking “programs funded under section 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 505 (formula grants)”;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “section 506” and inserting “section 505”; and

(ii) in subsection (a)(1), by striking “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503” and inserting “an assessment of the impact of such activities on meeting the purposes of subpart 1”;

(D) in section 801 (42 U.S.C. 3782), in subsection (b)—

- (i) by striking “the purposes of section 501 of this title” and inserting “the purposes of such subpart 1”; and
  - (ii) by striking “the application submitted pursuant to section 503 of this title” and inserting “the application submitted pursuant to section 502 of this title”;
  - (E) in section 808 (42 U.S.C. 3789), by striking “the State office described in section 507 or 1408” and inserting “the State office responsible for the trust fund required by section 507, or the State office described in section 1408,”;
  - (F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking “for the purposes of section 506(a)” and inserting “for the purposes of section 505(a)”;
  - (G) in section 1502 (42 U.S.C. 3796bb–1)—
    - (i) in paragraph (1), by striking “section 506(a)” and inserting “section 505(a)”;
    - (ii) in paragraph (2)—
      - (I) by striking “section 503(a)” and inserting “section 502”; and
      - (II) by striking “section 506” and inserting “section 505”;
  - (H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking “The office designated under section 507 of title I” and inserting “The office responsible for the trust fund required by section 507”;
  - (I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking “and reflects consideration of the statewide strategy under section 503(a)(1)”;
  - (J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking “The Office designated under section 507” and inserting “The office responsible for the trust fund required by section 507”.
- (d) **APPLICABILITY.**—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.
- SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.**
- Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking “more than 5 recipients” and inserting “more than 5 individuals, or groups of individuals, as recipients”.
- SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUBLIC SAFETY OFFICERS WHO RESPONDED TO THE ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001.**
- (a) **PURPOSE.**—It is the purpose of this section—
    - (1) to commemorate the sacrifices made and service rendered to the United States by those public safety officers who responded to the attacks on the United States on September 11, 2001; and
    - (2) to honor those public safety officers on the third anniversary of those attacks.
  - (b) **PRESENTATION AUTHORIZED.**—
    - (1) **IN GENERAL.**—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress—
      - (A) to individuals certified by the Attorney General pursuant to subsection (e), a bronze medal 1½ inches in diameter commemorating the service to the United States of those individuals; and
      - (B) to public agencies certified by the Attorney General pursuant to subsection (e), a plaque commemorating the service to the United States of the officers, employees, or agents of those agencies.
    - (2) **DATE.**—The presentation shall be made as close as feasible to the third anniversary of the attacks on the United States on September 11, 2001.
    - (3) **NEXT OF KIN.**—In the case of an individual certified by the Attorney General pursuant to subsection (e), the medal may be accepted by the next of kin of any such individual.
  - (c) **DESIGN AND STRIKING.**—
    - (1) **CONSULTATION.**—The Attorney General shall consult with the Institute of Heraldry of the Department of Defense regarding the design and artistry of the medal and the plaque authorized by this section. The Attorney General may also consider suggestions received by the Department of Justice regarding the design and artistry of the medal and the plaque, including suggestions made by persons not employed by the Department of Justice.
    - (2) **STRIKING.**—After such consultation, the Attorney General shall strike such medals and produce such plaques as may be required to carry out this section.
  - (d) **ELIGIBILITY REQUIREMENTS.**—

## (1) INDIVIDUALS.—

(A) IN GENERAL.—To be eligible to be presented the medal referred to in subsection (b), an individual must have been a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15204))—

(i) who was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(ii) who participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(iii) who died as a result of such participation.

(B) RULE OF CONSTRUCTION.—An individual who was killed in one of the attacks referred to in subparagraph (A)(ii) shall be deemed, for purposes of that subparagraph, to have participated in the response.

(2) AGENCIES.—To be eligible to be presented the plaque referred to in subsection (b), a public agency must have had at least one officer, employee, or agent who is eligible under paragraph (1) or who would be so eligible but for the requirement of subparagraph (A)(iii) of that paragraph.

(3) APPLICATION; DETERMINATION.—To establish the eligibility required by paragraphs (1) or (2), the head of a public agency must present to the Attorney General an application with such supporting documentation as the Attorney General may require to support such eligibility and, in the case of the eligibility of an individual, with information on next of kin. The Attorney General shall determine, through the documentation provided and, if necessary, independent investigation, whether the requirements of paragraphs (1) or (2) have been established.

(e) CERTIFICATION.—The Attorney General shall, within 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of individuals eligible to receive the medal and public agencies eligible to receive the plaque.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 204. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.**

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking “the Director of the Office of Justice Assistance” and inserting “the Assistant Attorney General for the Office of Justice Programs”.

**SEC. 205. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.**

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting “regional” before “information sharing systems”;

(2) by amending paragraph (3) to read as follows:

“(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;”;

(3) by striking “(5)” at the end of paragraph (4).

**SEC. 206. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.**

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: “The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”;

(2) by amending paragraph (19) of subsection (c) to read as follows:

“(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;”;

(3) in subsection (d)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.”.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking “particular individual” and inserting “private person or public agency”.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking “Except as provided by Federal law other than this title, no” and inserting “No”.

## **Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime**

### **SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.**

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

#### **“SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.**

“(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

“(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$58,265,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 and 2006, to remain available until expended.

#### **“SEC. 104. WEED AND SEED STRATEGIES.**

“(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

“(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

“(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

“(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

“(B) community revitalization efforts, including enforcement of building codes and development of the economy.

“(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

“(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

“(A) in a voting capacity, representatives of—

“(i) appropriate law enforcement agencies; and

“(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

“(B) in a voting capacity, both—

“(i) the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

“(ii) the United States Attorney for the District encompassing the community;

“(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

“(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

“(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

“(1) the United States Attorney for the District encompassing the community must certify to the Director that—

“(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

“(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

“(C) the steering committee is capable of implementing the strategy appropriately; and

“(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

“(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

“(1) a sustainable Weed and Seed strategy that includes—

“(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

“(B) a significant community-oriented policing component; and

“(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

“(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

“(e) GRANTS.—

“(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

“(2) USES.—For each grant under this subsection, the community receiving that grant—

“(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

“(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

“(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

“(A) for a period of more than 10 fiscal years;

“(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

“(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

“(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

“(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

“(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

“(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

“(B) The requirement of subparagraph (A)—

“(i) may be satisfied in cash or in kind; and

“(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

“(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.”

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

## Subtitle C—Assisting Victims of Crime

### SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after “Director”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “, and”; and

(D) by adding at the end the following new subparagraph:

“(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “paragraph (1)(A)” and inserting “paragraphs (1)(A) and (1)(C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).”

### SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

“(A) attaches conditions inconsistent with applicable laws or regulations; or

“(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.”

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking “expended” and inserting “obligated”.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking “, acting through the Director,”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.”

**SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.**

(a) **CRIME VICTIM COMPENSATION.**—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

(b) **CRIME VICTIM ASSISTANCE.**—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

**SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.**

(a) **CLARIFICATION OF SPECIFIC PURPOSES.**—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after “violent crimes against women” the following: “to develop and strengthen victim services in cases involving violent crimes against women”.

(b) **TECHNICAL AMENDMENT RELATING TO MISDESIGNATED SECTIONS.**—Section 402(2) of Public Law 107–273 (116 Stat. 1789) is amended by striking “as sections 2006 through 2011, respectively” and inserting “as sections 2007 through 2011, respectively”.

(c) **CLARIFICATION OF STATE GRANTS.**—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as redesignated pursuant to the amendment made by subsection (b), is amended—

(1) in subsection (a), by striking “to States” and all that follows through “tribal governments”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (3), by striking “ $\frac{1}{54}$ ” and inserting “ $\frac{1}{53}$ ”; and

(B) in paragraph (4), by striking “in Indian country”;

(3) in subsection (c)(3)(A), by striking “police” and inserting “law enforcement”; and

(4) in subsection (d)—

(A) in the second sentence, by inserting after “each application” the following: “submitted by a State”; and

(B) in the third sentence, by striking “An application” and inserting “In addition, each application submitted by a State or tribal government”.

(d) **CHANGE FROM ANNUAL TO BIENNIAL REPORTING.**—Section 2009(b) of such Act (42 U.S.C. 3796gg–3), as redesignated pursuant to the amendment made by subsection (b), is amended by striking “Not later than” and all that follows through “the Attorney General shall submit” and inserting the following: “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit”.

(e) **AVAILABILITY OF FORENSIC MEDICAL EXAMS.**—Section 2010 of such Act (42 U.S.C. 3796gg–4), as redesignated pursuant to the amendment made by subsection (b), is amended by adding at the end the following new subsections:

“(c) **USE OF FUNDS.**—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”.

(f) **TECHNICAL AMENDMENT.**—The heading for Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to read as follows:

**“PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN”.**

**SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING ENFORCEMENT OF DOMESTIC VIOLENCE CASES TO ALSO ASSIST ENFORCEMENT OF SEXUAL ASSAULT CASES.**

(a) **GRANTS TO ENCOURAGE DOMESTIC VIOLENCE ARREST POLICIES.**—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking “to treat domestic violence as a serious violation” and inserting “to treat domestic violence and sexual assault as serious violations”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (5), by striking “domestic violence and dating violence” and inserting “domestic violence, sexual assault, and dating violence”;

(B) in paragraph (3), by striking “domestic violence cases” and inserting “domestic violence and sexual assault cases”; and

(C) in paragraph (6), by striking “about domestic violence” and inserting “about domestic violence and sexual assault”; and

(3) in subsection (d), by striking “In this section, the term” and inserting “In this part—

“(1) the term ‘sexual assault’ has the meaning given the term in section 2008; and

“(2) the term”.

(b) APPLICATIONS.—Section 2102(b) of such Act (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after “involving domestic violence” the following: “or sexual assault”.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.—Section 40295(a) of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971(a)) is amended in each of paragraphs (1) and (2) by striking “domestic violence and dating violence (as defined in section 2003)” and inserting “domestic violence, sexual assault, and dating violence (as such terms are defined in section 2008”.

#### **SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.**

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking “The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides” and inserting “Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides”.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking “Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,” and inserting “Not later than one month after the end of each even-numbered fiscal year,”.

#### **SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS ELIGIBLE FOR GRANTS UNDER RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.**

Section 40295 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971) is amended as follows:

(1) in subsection (a), in the matter preceding paragraph (1), by striking “to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States” and inserting “to States, Indian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities”; and

(2) in subsection (b)—

(A) by inserting “(1) the term” before “‘Indian tribe’ means”;

(B) by striking “Indians.” and all that follows through the period at the end and inserting “Indians; and

“(2) the terms ‘rural area’ and ‘rural community’ have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).”.

## **Subtitle D—Preventing Crime**

#### **SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.**

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking “an offense that” and inserting “a felony-level offense that”.

**SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.**

(a) **MINIMUM ALLOCATION REPEALED.**—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Such section is further amended by adding at the end the following new subsection:

“(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.”.

**SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.**

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking “offenders with substance abuse problems” and inserting “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems”.

**SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.**

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

“(d) **DEFINITION.**—In this section, the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

“(1) directed at the substance abuse problems of the prisoners; and

“(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.”.

## Subtitle E—Other Matters

**SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.**

(a) **INCREASE IN AMOUNTS COLLECTED BY DEBT-COLLECTION ACTIVITIES THAT MAY BE CREDITED TO WORKING CAPITAL FUND.**—Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1823; 28 U.S.C. 527 note) is amended by striking “3 percent” and inserting “6 percent”.

(b) **CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.**—Section 204(f) of such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking “section 6503(d)” and inserting “sections 3335(b) or 6503(d)”; and

(2) by striking “section 6503” and inserting “sections 3335(b) or 6503”.

(c) **SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.**—Section 204(f) of such Act is further amended by striking “pursuant to section 501(a)” and inserting “pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)”.

(d) **FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.**—Section 530C(b) of title 28, United States Code, is amended—

(1) in paragraph (2), in each of subparagraphs (A) and (B), by inserting “for the Bureau of Alcohol, Tobacco, Firearms, and Explosives,” before “for the Drug Enforcement Administration.”; and

(2) by adding at the end the following new paragraph:

“(8) **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.**—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.”.

(e) **AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.**—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such

section applies with respect to any other agency and the undercover investigative operations of such agency.

**SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.**

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after “the Bureau of Justice Statistics,” the following: “the Office for Victims of Crime,”.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting “, including placing special conditions on all grants, and determining priority purposes for formula grants” before the period at the end.

**SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.**

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking “unless such requirement is terminated under” and inserting “for the time period specified in”.

**SEC. 244. REPEAL OF CERTAIN PROGRAMS.**

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) FAMILY SUPPORT.—Part W (42 U.S.C. 3796jj–3796jj–7).

(3) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

**SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.**

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking “(a)” before “Whenever.”

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking “, after reasonable notice and opportunity for a hearing,”; and

(B) by striking “, except as otherwise provided herein”.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

**SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.**

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking “(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))”.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking “program or project” and inserting “program, plan, or project”.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking “which” and inserting “, including faith-based, that”.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking “and” at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(26) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(27) the term ‘private person’ means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).”.

**SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.**

Section 4006(b)(1) of title 18, United States Code, is amended—

(1) by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(2) by striking “shall not exceed the lesser of the amount” and inserting “shall be the amount billed, not to exceed the amount”;

(3) by striking “items and services” and all that follows through “the Medicare program” and inserting “items and services under the Medicare program”; and

(4) by striking “; or” and all that follows through the period at the end and inserting a period.

**SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

**“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

**“(a) ESTABLISHMENT.—**

“(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General.

“(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b).

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

**“(b) COVERED PROGRAMS.—**The programs referred to in subsection (a) are the following:

“(1) The program under part Q of this title.

“(2) Any grant program carried out by the Office of Justice Programs.

“(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

**“(c) PERFORMANCE AUDITS REQUIRED.—**

“(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

“(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

**“(d) COMPLIANCE ACTIONS REQUIRED.—**The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate

with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

“(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

“(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

#### SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

##### “SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General.

“(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Office of Justice Programs, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Office of Justice Programs, such training may be provided on a local basis to a single such participant.

“(d) BEST PRACTICES.—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.**

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

**“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.**

“(a) **ESTABLISHMENT.**—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) **DUTIES.**—In carrying out the purpose of the Office, the Director shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.”.

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.**

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

**“SEC. 108. AVAILABILITY OF FUNDS.**

“(a) **PERIOD FOR AWARDING GRANT FUNDS.**—

“(1) **IN GENERAL.**—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraph (2). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) **TREATMENT OF REPROGRAMMED FUNDS.**—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(b) **PERIOD FOR EXPENDING GRANT FUNDS.**—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) **DEFINITION.**—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) **APPLICABILITY.**—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.”.

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.**

(a) **CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.**—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) **FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.**—The Assistant Attorney General shall ensure that, on and after September 30, 2007—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) **CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.**—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) **ACHIEVING COMPLIANCE.**—

(1) **SCHEDULE.**—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than October 1, 2003; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

## TITLE III—MISCELLANEOUS PROVISIONS

### SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107-56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking “to be used to be used” and inserting “to be used”.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking “sections” and inserting “section”.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107-56 is amended, effective on the date of the enactment of that section, by striking “title 18” and inserting “title 28”.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking “CONTENTS OF WIRE OR ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC”.

### SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) PUNCTUATION CORRECTIONS.—The heading for section 1591 of title 18, United States Code, is amended by inserting a comma after “**fraud**”.

(b) DUPLICATE SECTION NUMBERS.—The second section 540C in chapter 33 of title 28, United States Code, is redesignated as section 540D, and the item relating to that section in the table of sections at the beginning of that chapter is redesignated as section 540D and by moving it so that it follows the item relating to section 540C.

(c) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

“3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.”.

(d) REPEAL OF DUPLICATIVE PROGRAM.—Section 40155 of Public Law 103-322 is repealed.

### SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO CONTENTS OF FBI ANNUAL REPORT.

Section 540D(b)(1)(A) of title 28, United States Code, as redesignated by section 302(b), is further amended by inserting “and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note)” after “year”.

### SEC. 304. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

### SEC. 305. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

#### **SEC. 306. BANKRUPTCY CRIMES.**

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

#### **SEC. 307. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.**

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

## **TITLE IV—DNA DATABASE ENHANCEMENT**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “DNA Database Enhancement Act”.

#### **SEC. 402. INCLUSION OF DNA SAMPLES FROM ALL PERSONS CONVICTED OF VIOLENT FELONIES.**

Section 2(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(b)) is amended in paragraph (3) by inserting before the semicolon at the end the following: “, provided that each violent felony under the law of that State shall be treated for purposes of this section as a qualifying State offense”.

**SEC. 403. AUTHORIZATION FOR STATES TO UPLOAD DNA SAMPLES COLLECTED IN A LAWFUL MANNER.**

Section 210304(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(a)) is amended—

- (1) in paragraph (1), by inserting “arrested for or” before “convicted of crimes”;
- (2) in paragraph (3), by striking “and” at the end;
- (3) in paragraph (4), by striking the period at the end and inserting “; and”;
- and
- (4) by adding at the end the following new paragraph:
 

“(5) analyses of DNA samples from other persons, as authorized under the laws of the jurisdiction in which the samples were collected.”.

**SEC. 404. REQUIREMENT THAT LAW ENFORCEMENT OFFICERS BE ABLE TO COMPARE COLLECTED DNA SAMPLES WITH NATIONAL DATABASE.**

Section 2(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(b)), as amended by section 402, is further amended—

- (1) by striking “and” at the end of paragraph (4);
- (2) by striking the period at the end of paragraph (5) and inserting “; and”;
- and
- (3) by adding at the end the following new paragraph:
 

“(6) include a certification that the State does not, by statute, rule, or regulation, prohibit or limit the comparison by a law enforcement officer of (A) the results of a DNA analysis carried out on a DNA sample lawfully obtained by such officer with (B) the information in such Combined DNA Index System.”.

**SEC. 405. REAUTHORIZATION OF DNA BACKLOG GRANT PROGRAM.**

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

- (1) in paragraph (1)—
  - (A) by striking “and” at the end of subparagraph (B);
  - (B) by striking the period at the end of subparagraph (C) and inserting “; and”; and
  - (C) by adding at the end the following:
 

“(D) such sums as many be necessary for fiscal years after fiscal year 2003.”; and
- (2) in paragraph (2)—
  - (A) by striking “and” at the end of subparagraph (C);
  - (B) by striking the period at the end of subparagraph (D) and inserting “; and”; and
  - (C) by adding at the end the following:
 

“(E) such sums as many be necessary for fiscal years after fiscal year 2004.”.

**TITLE V—KOBY MANDELL ACT****SEC. 501. SHORT TITLE.**

This title may be cited as the “Koby Mandell Act of 2003”.

**SEC. 502. FINDINGS.**

The Congress finds the following:

- (1) Numerous American citizens have been murdered or maimed by terrorists around the world, including more than one hundred murdered since 1968 in terrorist attacks occurring in Israel or in territories administered by Israel or in territories administered by the Palestinian Authority.
- (2) Some American citizens who have been victims of terrorism overseas, especially those harmed by terrorists operating from areas administered by the Palestinian Authority, have not received from the United States Government services equal to those received by other such victims of overseas terrorism.
- (3) The United States Government has not devoted adequate efforts or resources to the apprehension of terrorists who have harmed American citizens overseas, particularly in cases involving terrorists operating from areas administered by the Palestinian Authority. Monetary rewards for information leading to the capture of terrorists overseas, which the government advertises in regions where the terrorists are believed to be hiding, have not been advertised in areas administered by the Palestinian Authority.
- (4) This situation is especially grave in the areas administered by the Palestinian Authority, because many terrorists involved in the murders of Americans are walking free there; some of these terrorists have been given positions in the

Palestinian Authority security forces or other official Palestinian Authority agencies; and a number of schools, streets, and other public sites have been named in honor of terrorists who were involved in the murder of Americans.

(5) To remedy these and related problems, an office should be established within the Department of Justice for the purpose of ensuring equally vigorous efforts to capture all terrorists who have harmed American citizens overseas and equal treatment for all American victims of overseas terrorism.

**SEC. 503. ESTABLISHMENT OF AN OFFICE IN THE DEPARTMENT OF JUSTICE TO UNDERTAKE SPECIFIC STEPS TO FACILITATE THE CAPTURE OF TERRORISTS WHO HAVE HARMED AMERICAN CITIZENS OVERSEAS AND TO ENSURE THAT ALL AMERICAN VICTIMS OF OVERSEAS TERRORISM ARE TREATED EQUALLY.**

The President shall establish within the Department of Justice an office (hereinafter in this title the "Office") to carry out the following activities:

(1) The Office shall create the Bringing Terrorists to Justice program, and in so doing will ensure that—

(A) rewards are offered to capture all terrorists involved in harming American citizens overseas, regardless of the terrorists' country of origin or residence;

(B) such rewards are prominently advertised in the mass media and public sites in all countries or regions where such terrorists reside;

(C) the names and photographs and suspects in all such cases are included on a web site; and

(D) the names of the specific organizations claiming responsibility for terrorist attacks mentioned on the site are included in the descriptions of those attacks.

(2) The Office shall establish and administer a program which will provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them.

(3) The Office shall work with the other United States government agencies to expand legal restrictions on the ability of murderers to reap profits from books or movies concerning their crimes—the "Son of Sam" laws that currently exist in many States, so as to ensure that terrorists who harm American citizens overseas are unable to profit from book or movie sales in the United States.

(4) The Office shall endeavor to determine if terrorists who have harmed American citizens overseas are serving in their local police or security forces. Whenever it is found that terrorists who have harmed American citizens overseas are serving in their local police or security forces, the Office shall alert those United States Government agencies involved in providing assistance, directly or indirectly, to those forces, and shall request of those agencies that all such assistance be halted until the aforementioned terrorists are removed from their positions.

(5) The Office shall undertake a comprehensive assessment of the pattern of United States indictments and prosecution of terrorists who have harmed American citizens overseas, in order to determine the reasons for the absence of indictments of terrorists residing in some regions, such as the territories controlled by the Palestinian Authority. The Office's assessment shall then be provided to the Attorney General, together with its recommendations.

(6) The Office shall endeavor to monitor public actions by governments and regimes overseas pertaining to terrorists who have harmed American citizens, such as naming of schools, streets, or other public institutions or sites after such terrorists. In such instances, the Office shall encourage other United States Government agencies to halt their provision of assistance, directly or indirectly, to those institutions.

(7) In cases where terrorists who have harmed Americans overseas, and are subsequently released from incarceration abroad, are eligible for further prosecution in the United States, the Office shall coordinate with other government agencies to seek the transfer of those terrorists to the United States for further prosecution.

**SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated for fiscal year 2003 and subsequent fiscal years such sums as may be necessary to carry out this title.

(b) **AVAILABILITY.**—Amounts appropriated under subsection (a) are authorized to remain available until expended.

## PURPOSE AND SUMMARY

H.R. 3036 authorizes appropriations for the Department of Justice for fiscal years 2004 through 2006. The bill as introduced contains three titles. Title I provides the authorizations for appropriations for the various activities of the Department. Title II makes various reforms to the Department's grant programs. Title III makes miscellaneous changes to various Department authorizing statutes. At the committee's markup, Title IV, relating to DNA database enhancement, and Title V, relating to the Koby Mandell Act, were added.

## BACKGROUND AND NEED FOR THE LEGISLATION

## A. STATUTORY AUTHORIZATION AUTHORITY

"Authorization" is the process by which Congress creates, amends, and extends programs in executive agencies. Authorization is perhaps the most important oversight tool that Congress and committees of jurisdiction can employ. Through authorization legislation, authorizing committees establish programs, their objectives, and the upper limits for spending on them. Once a federal program has been authorized, the actual budget authority for the program comes from appropriations bills.

The Department of Justice, established in 1870 by an act of Congress, is an executive department of the federal government under the direction and control of the Attorney General. 12 Stat. 162 (1870); 28 U.S.C. §§ 501, 503. Except as otherwise authorized by law, the Justice Department has "[p]rimary responsibility for representing the United States, its agencies, and officers in the courts of the United States" and, if necessary or appropriate, in state and local courts. U.S. Dep't of Justice, Revised Edition of Compendium on Agency Litigation Authority 1-1 (Sept. 2000); 28 U.S.C. §§ 516-19, 547; 5 U.S.C. § 3106. In addition, Congress has authorized executive departments, independent agencies, and government corporations to appear in court through their own counsel under certain circumstances. *Id.*

Congressional authorization of appropriations for the Justice Department is required by law. Pub. L. 94-503, Title II, § 204, 90 Stat. 2427 (1976). The Crime Control Act of 1976 provided that:

No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year.

*Id.* Notwithstanding this statutory authority, until recently the Justice Department had not been formally authorized by Congress since 1980. Pub. L. No. 96-397, 94 Stat. 1563 (1980). However, in 2001, Chairman Sensenbrenner introduced H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act." This authorizing legislation was enacted into law on November 2, 2002. Pub. L. No. 107-273. This legislation fully authorized the appropriations requested by the President for fiscal years 2002 and 2003, strengthened legislative oversight of the Department of Justice by bolstering the authority of the Department's Inspector Gen-

eral, required disclosure of additional information on the operation of the Office of Justice Programs, created additional federal judgeships, and contained several legislative initiatives which had passed the House but received no floor vote in the Senate.

The Committee on the Judiciary has authorizing jurisdiction over the Department of Justice. The Justice Department is presently comprised of over 50 separate components, including the Federal Bureau of Investigation, the U.S. Attorneys, the U.S. Marshals Service, the Drug Enforcement Administration, the Bureau of Prisons, the Office of Solicitor General, the Office of Justice Programs, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the various litigating divisions, and others.

H.R. 3036 represents the next installment in the Committee's continuing commitment to the authorization process. The highlights of H.R. 3036 are set forth below.

#### B. TITLE I—AUTHORIZATION OF APPROPRIATIONS

Title I contains authorizations of appropriations for the Department's various programs for fiscal years 2004 through 2006. These authorizations follow the President's budget request for the Department for fiscal year 2004. For fiscal year 2005, the authorizations represent the President's budget request plus a 2% increase. For fiscal year, 2006, the authorizations represent the fiscal year 2005 authorization plus a 2% increase.

The Committee went beyond the Administration's request in one respect. The Committee provided for additional funds for the Office of the Inspector General. The Committee expects the OIG will use these additional funds in fulfilling its duties under § 1001 of the USA PATRIOT Act. Pub. L. No. 107-56.

In addition, the authorization for the Federal Bureau of Investigation in all three years includes language limiting the FBI's participation in the Terrorist Threat Integration Center ("TTIC") to the analysis of intelligence information. The Committee wants to carefully limit the mission of TTIC so that it does not grow into a domestic surveillance operation.

#### C. TITLE II—REFORM OF THE DEPARTMENT'S GRANT PROGRAMS

Title II generally reforms the Department's grant programs, most of which are run through the Office of Justice Programs ("OJP") or the Community Oriented Policing Services ("COPS") Office. The Committee believes that many of the programs that these two offices administer are worthwhile and should be continued. The Committee also believes that the Department has made many administrative reforms in the last several years that have greatly increased the efficiency of these programs. The reforms in H.R. 3036 are intended to build on that progress and should not be interpreted to indicate any lack of support for that work. In fact, most of the measures included in Title II originated from a proposal formally submitted to the Congress by the Administration on June 4, 2003.

Title II makes numerous changes to DOJ's various grant programs many of which are relatively minor. Each of these is discussed in the section by section analysis below. The discussion in this section will focus on the most significant of the changes.

### *1. Merger of Byrne and LLEBG Programs*

Section 201 merges the current Byrne Grant Program (both the formula and discretionary aspects) and the Local Law Enforcement Block Grant Programs (LLEBG) into one new Edward Byrne Memorial Justice Assistance Grant Program. This will allow states and local governments to make one application for this money annually for a four-year term.

The formula for distributing these grants combines elements of the current Byrne and LLEBG formulas. For allocating money to the states, each state automatically receives 0.25% of the total. Of the remaining amount, 50% is divided up among the states according to population (the method currently used under Byrne) and 50% is divided up based on the violent crime rate (the method currently used under LLEBG).

Each state's allocation is then divided among state and locals in the following manner. Sixty percent of the allocation goes to the state. Then, that 60% is divided between state and locals based on their relative percentages of overall criminal justice spending within the state. The state keeps its portion of the 60% and gives out the local portion in the state's discretion. This follows how Byrne formula grants are now done.

The remaining 40% of the state's allocation goes directly to the local governments from OJP. Each class of local governments (e.g., cities, counties, townships, etc.) gets a share based on its relative percentage of local criminal justice spending within the state. Within each class, the class's share is divided up between the local governments in that class based on their crime rate. This is similar to how LLEBG grants are now done.

The Committee is continuing to consult with interested groups regarding the formula before going to the floor. The Committee would like to devise a formula that gives all the recipients an amount that is as close to the amount they would receive under current law as is possible. If further changes are needed to the formula to achieve that result, the Committee expects to offer floor amendments towards that end.

The bill authorizes \$1.075 billion for the program which represents a 2% increase over the amount appropriated for both programs in Fiscal Year 2003. A new feature of the program is that states will be allowed to keep grant funds in interest bearing accounts until spent and then keep the interest. However, all money must be spent during the four-year grant period. In addition, the new program consolidates the current 28 specific purposes for Byrne grants and 9 specific purposes for LLEBG grants into 6 broad purposes intended to cover the same ground while giving more flexibility to use the grants constructively.

The Committee believes that these reforms will work to give state and local governments more flexibility to spend money for programs that work for them rather than to impose a "one size fits all" solution. In addition, the reforms should lessen the administrative burden of applying for the grants.

### *2. Recognition of Public Safety Officers Who Responded to the 9/11 Attacks*

In 2001, Congress created a Public Safety Officer Medal of Valor. However, the law creating the Medal contemplated that only five

such medals would be awarded per year. The Committee believes that the sacrifice of the public safety officers who responded to the terrorist attacks on the United States on September 11, 2001 cannot be adequately recognized under the current program. Thus, § 203 creates a new congressional medal for all of those public safety officers who were killed in the attack and it creates a congressional plaque for all units that responded to the attack. This program is modeled on the congressional medal awarded to veterans of the attack on Pearl Harbor. § 1492 of Pub. L. No. 101-510.

### *3. Authorization of Weed and Seed Program*

In 1991, DOJ established the Executive Office of Weed and Seed by administrative action. This program is a community-based multiagency approach to law enforcement, crime prevention, and neighborhood restoration. It has been successful, but it has never been permanently authorized. Section 211 creates a new Office of Weed and Seed Strategies. This office will replace the current Executive Office of Weed and Seed, and for the first time, this program will have a specific authorization.

### *4. Overall Management of OJP and COPS*

Despite the laudable progress that the Department has made in the last several years, the Committee believes that additional measures are needed to instill a culture of accountability at OJP and COPS. Accordingly, the bill establishes three new offices within OJP: an Office of Audit, Assessment, and Management; a Community Capacity Development Office; and an Office of Applied Law Enforcement Technology. It also contains several other provisions designed to improve the management of OJP and COPS.

Section 248 creates the new Office of Audit, Assessment, and Management within OJP. This office is authorized to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. This will include establishing and maintaining an automated information management system to track all grants. The Office of Audit, Assessment, and Management will report directly to the Office of the Assistant Attorney General.

This office will address many of the problems that came to light during the Subcommittee's oversight hearings, particularly the lack of monitoring and outcome-based evaluations of OJP programs. This office will address findings by the Department's Inspector General regarding failures to adequately review grant applications and undertake more aggressive and timely corrective action on audit findings, especially with grantees who do not comply with grant terms. A strategic objective of the Department of Justice for the Office of Justice Programs is to ensure meaningful outcomes, appropriate fiscal management, and accountability. This new office will help the Department achieve those objectives.

The new office will audit grants representing 10% of all funds awarded by the programs that it covers each year. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

Section 249 creates a new Community Capacity Development Office within OJP. The Office will report directly to the Assistant Attorney General. This office will provide training on a regional and local basis to actual and prospective participants in the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. The office will also identify best practices for grantees and incorporate such practices into its training. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

Section 250 creates an Office of Applied Law Enforcement Technology headed by a Director appointed by the Attorney General. This office will ensure that grant moneys provided to law enforcement for computer systems will be spent for equipment and software that is of good quality and suitable for its intended purposes. The Director and the Office will provide leadership and focus so that grants that are made for using or improving law enforcement computer systems and ensuring that recipients of such grants use such systems to participate in crime reporting programs administered by the Department. This will correct past practice where there has been little or no coordination between federal grant funds spent by localities on computer systems and the crime reporting programs authorized by Congress and administered by the Department of Justice.

Section 251 provides that unless otherwise specifically provided by an authorizing statute, money appropriated for grants in fiscal year 2004 and any subsequent fiscal year shall remain available to be awarded and distributed to grantees for the year appropriated and three subsequent fiscal years. If the money is reprogrammed, the time period begins again. It further provides that money distributed to grantees must be spent within the time period provided by the grant. In either case, money not meeting the requirement shall revert to the Treasury. This change will provide an incentive to get grant funds spent for their intended purposes rather than languishing at OJP or at the offices of the grantee.

Section 252 requires the Assistant Attorney General of the Office of Justice Programs to make two significant financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2007.

The Assistant Attorney General is required to begin the consolidation of accounting activities under the Office of the Comptroller and the consolidation of procurement activities under the Office of Administration not later than October 1, 2003. (The Committee recognizes that this date has passed and expects to correct this in a floor amendment.) The Office of Administration is to begin the consolidation of procurement operations and financial management systems into a single financial system not later than September 30, 2005.

The Committee believes that these changes in Sections 248–52 form one integrated package of management reforms that will

greatly enhance the efficiency of OJP and COPS and help them to achieve their missions.

#### D. TITLE III—MISCELLANEOUS PROVISIONS

Title III makes a number of miscellaneous technical changes to statutes involving the Department. It also makes several more substantive changes.

Section 304 is intended to ensure that the Justice Department uses the most cost-effective training and meeting facilities for its employees. For any predominantly internal training or conference meeting, it requires the Justice Department to use only a facility that does not require a payment to a private entity for the use of such facility, unless specifically authorized in writing by the Attorney General. It further requires the Attorney General to prepare an annual report to the Chairmen and Ranking Members of the House and Senate Judiciary Committees that details each training or conference meeting requiring authorization. The report must include an explanation of why the facility was chosen and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization. The Committee believes that this section will limit the practice of renting private facilities for Department retreats, conferences, meetings, and the like when federal facilities are available for the same purpose.

Section 305 establishes a statutory privacy officer within the Department. It is intended to ensure that the Department safeguards personally identifiable information and complies with fair information practices pursuant to 5 U.S.C. § 552a. The responsibilities of the privacy officer will include: (1) assuring that the Department's use of technologies do not erode privacy protections relating to the use, collection, and disclosure of personally identifiable information; (2) ensuring that such information is handled in full compliance with fair information practices; (3) evaluating legislative and regulatory proposals concerning the collection, use, and disclosure of such information by the Federal government; (4) conducting a privacy impact assessment of the Department's proposed rules on the privacy of such information; (5) reporting to Congress on the Department's activities that affect privacy; (6) ensuring that the Department protects such information and its information systems from unauthorized access, use, disclosure, disruption, modification, or destruction; and (7) advising the Attorney General and Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal government information systems.

Section 306 is intended to ensure the United States Trustee Program (a component of the Justice Department) actively identifies matters warranting criminal referrals and undertakes efforts to prevent bankruptcy fraud and abuse. It requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Program; (2) the outcomes of each criminal referral; (3) any decrease in the number of criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

Section 307 was added by an amendment offered by Representative Schiff and adopted by the Committee. Section 307 requires the Attorney General to submit an annual report to Congress specifying the number of United States persons or residents detained on suspicion of terrorism and specifying the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

#### E. TITLE IV—DNA DATABASE ENHANCEMENT

Title IV was added by an amendment offered by Representative Schiff and adopted by the Committee. It contains several provisions relating to enhancing DNA databases.

First, it amends the DNA Analysis Backlog Elimination Act of 2000 to require any state which receives grants under that Act to include every person convicted of a violent felony under its state law within its DNA database.

Second, it amends the provisions of the Violent Crime Control and Law Enforcement Act of 1994 so that the DNA of persons arrested for crimes and the DNA of persons from whom DNA samples have been lawfully taken under state law may be included in the DNA database authorized under that Act.

Third, it amends the DNA Analysis Backlog Elimination Act of 2000 to require any state which receives grants under that Act not to prohibit or limit its law enforcement officers from comparing lawfully obtained DNA samples with the information in the Combined DNA Index System.

Finally, it permanently reauthorizes such sums as may be necessary to fund the DNA Backlog Grant Programs first authorized under the DNA Analysis Backlog Elimination Act of 2000.

#### F. TITLE V—KOBAYASHI ACT

Title V was added by an amendment offered by Representative Weiner and adopted by the Committee. It establishes an office within the Department of Justice to undertake specific steps to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally.

It requires the President to establish within the Department of Justice an office to carry out the following activities: (1) create a Bringing Terrorists to Justice program that will offer rewards to capture terrorists involved in harming American citizens overseas; (2) establish a program to provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them; (3) work with other agencies to expand legal restrictions on terrorists to reap profits from books or movies concerning their crimes; (4) determine if terrorists who have harmed American citizens overseas are serving in police or security forces and request other agencies involved in providing assistance to those forces to halt assistance until such terrorists are removed from their positions; (5) undertake an assessment of the pattern of indictments of terrorists who have harmed American citizens overseas to determine the reasons for the absence of indictments in some regions; (6) monitor public actions by governments and regimes overseas to honor terrorists

who have harmed American citizens overseas and encourage other agencies to halt their assistance to such governments and regimes; and (7) coordinate with other agencies to seek the transfer to United States custody of terrorists who have harmed American citizens overseas if they are released from the custody of other governments. It also authorizes such sums as may be necessary to carry out the purposes of Title V for fiscal years 2003 and subsequent fiscal years and makes amounts appropriated under the section available until expended.

#### G. COPS CONSOLIDATION

At the markup, Members of the Committee agreed in principle to consolidate a variety of programs within the COPS office into one single grant program encompassing all of the grant purposes that these programs currently encompass. As with the Byrne-LLEBG merger, this consolidation will allow state and local governments more flexibility to spend the money for programs that work in their locality while easing the administrative burden of applying to a different program for each different purpose. The Committee is continuing to work on language that will effect this agreement and expects to add it as a floor amendment when H.R. 3036 goes to the floor.

#### HEARINGS

Following last year's enactment of the "21st Century Department of Justice Authorization of Appropriations Act," the Judiciary Committee has continued to maintain an active role overseeing the Department. No hearings on the introduced bill, H.R. 3036, were held in the Committee. However, in developing H.R. 3036, the full committee and several subcommittees have conducted reauthorization oversight hearings over Justice Department components within their respective jurisdictions.

##### *1. Full Committee Hearing on the Conduct of the War Against Terrorism*

On June 5, 2003, the Committee on the Judiciary held a comprehensive hearing which examined the implementation of the USA PATRIOT Act and the Department's ongoing conduct of the war against terrorism. Attorney General John Ashcroft was the sole witness at the hearing. The hearing reflected the Committee's continuing commitment to monitor the implementation of antiterrorism legislation, to conduct oversight of the Department of Justice, and to ensure that Federal law enforcement authorities are provided with the resources to effectively assess, prevent, and respond to terrorist threats while preserving fundamental liberties. After the hearing, the Committee submitted questions to the Attorney General.

##### *2. April 20, 2003 Oversight Letter to Attorney General Ashcroft and May 13, 2003 Response*

On April 20, 2003, Chairman Sensenbrenner and Ranking Member Conyers submitted a joint oversight letter to the Attorney General. The letter requested detailed answers to nearly 40 multi-tiered questions pertaining to the USA PATRIOT Act, the Attorney

General's Investigative Guidelines, the conduct of antiterrorism activities, and several additional items. The text of the letter may be found at: <<http://www.house.gov/judiciary/PATRIOT040103.htm>>. On May 13, 2003, the Department of Justice provided the Committee with responses to these questions. The text of the letter may be found at: <<http://www.house.gov/judiciary/patriotlet051303.pdf>>.

### *3. Subcommittee on Commercial and Administrative Law*

On April 8, 2003, the Subcommittee on Commercial and Administrative Law held a hearing on the "Reauthorization of the United States Department of Justice: Executive Office of the United States Attorneys, Civil Division, Environment and Natural Resources Division, Executive Office for United States Trustees, and Office of Solicitor General." The following witnesses testified: Hon. Thomas Sansonetti, Assistant Attorney General for Environment and Natural Resources; Hon. Stuart Schiffer, Deputy Assistant Attorney, General Commercial Litigation Section, Civil Division; Hon. Theodore Olson, United States Solicitor General; Hon. Guy Lewis, Director of the Executive Office for the United States Attorneys.

### *4. Subcommittee on Crime, Terrorism, and Homeland Security*

On May 6, 2003, the Subcommittee on Crime, Terrorism, and Homeland Security conducted a hearing on "Reauthorization of the U.S. Department of Justice: Bureau of Alcohol, Tobacco, Firearms, and Explosives; Federal Bureau of Investigation; and Drug Enforcement Administration." Witnesses included: Mr. Richard Hankinson, Deputy Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives; Mr. Pasquale D'Amuro, Executive Assistant Director of Counterterrorism and Counterintelligence, Federal Bureau of Investigation; and Mr. Rogelio Guevara, Chief of Operations, Drug Enforcement Administration.

On May 14, 2003, the Subcommittee on Crime, Terrorism, and Homeland Security held an additional hearing on "Reauthorization of the U.S. Department of Justice: Bureau of Prisons; Office of Justice Programs; U.S. Marshals Service; and Criminal Division." The following witnesses testified at the hearing: Hon. Deborah Daniels, Assistant Attorney General, Office of Justice Programs; Hon. Harley Lappin, Director, Federal Bureau of Prisons; Hon. Benigno Reyna, Director, United States Marshals Service; Ms. Julie Meyers, Chief of Staff, Criminal Division, Department of Justice.

### *5. Subcommittee on Immigration, Border Security and Claims*

On May 8, 2003, the Subcommittee on Immigration, Border Security, and Claims held a hearing on the "War on Terrorism: Immigration Enforcement Since September 11, 2001." The following witnesses testified at the hearing: Mr. Kevin Rooney, Director, Executive Office for Immigration Review; Mr. Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security; Mr. Jayson Ahern, Assistant Commissioner, Bureau of Customs and Border Inspection, Department of Homeland Security; and Ms. Laura Murphy, Director, Washington National Washington, American Civil Liberties Union.

#### *6. Subcommittee on the Constitution*

On May 15, 2003, the Subcommittee on the Constitution conducted a hearing on "Reauthorization of the U.S. Department of Justice Civil Rights Division." Hon. Ralph Boyd, Jr., Assistant Attorney General, Civil Rights Division, testified at the hearing.

#### *7. Task Force on Antitrust*

On July 24, 2003, the Committee's Task Force on Antitrust held an oversight hearing on "The Antitrust Enforcement Agencies: The Antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission." The witnesses were: Hon. R. Hewitt Pate, Assistant Attorney General, Antitrust Division, and Hon. Tim Muris, Chairman, Federal Trade Commission.

#### *8. Joint Hearing With Select Committee on Homeland Security*

On July 22, 2003, the full committee held a joint oversight hearing with the Select Committee on Homeland Security on "The Terrorist Threat Integration Center (TTIC) and its Relationship with the Departments of Justice and Homeland Security." The witnesses were: Mr. John O. Brennan, Director, Terrorist Threat Integration Center; Mr. Larry Mefford, Executive Assistant Director, Counterterrorism and Counterintelligence, Federal Bureau of Investigation, U.S. Department of Justice; Mr. Bill Parrish, Acting Assistant Secretary for Information Analysis, Directorate of Information Analysis and Infrastructure Protection, U.S. Department of Homeland Security; and Mr. Jerry Berman, President, Center for Democracy and Technology.

### COMMITTEE CONSIDERATION

On September 10, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 3036 with an amendment by voice vote, a quorum being present.

### VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H.R. 3036.

### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3036, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

OCTOBER 22, 2003.

Hon. F. JAMES SENSENBRENNER, Jr.,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006.

The CBO staff contact for this estimate is Mark Grabowicz.  
 Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 3036—Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006*

Summary: H.R. 3036 would authorize the appropriation of funds for fiscal years 2004 through 2006 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Attorneys, and the Bureau of Prisons. The bill also would authorize funding for a few programs through 2008. Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3036 would cost almost \$57 billion over the 2004–2008 period. Spending by the four agencies mentioned above would account for about \$38 billion of that total.

CBO also estimates that enacting H.R. 3036 would increase direct spending by \$225 million over the next five years and by \$450 million over the next 10 years by allowing DOJ to spend certain collections that are not available for spending under current law. H.R. 3036 would authorize DOJ to retain and spend 6 percent of federal civil debts that the agency seeks to recover on behalf of other federal agencies. Currently, DOJ may retain and use 3 percent of such funds. CBO estimates that this provision would increase direct spending by about \$45 million a year.

H.R. 3036 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, and tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3036 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority/authorization level <sup>1,2</sup> .....	16,320	25	0	0	0	0
Estimated outlays .....	15,643	3,653	1,210	298	113	86
Proposed changes:						
Estimated authorization level .....	0	18,271	18,667	19,062	1,216	1,246
Estimated outlays .....	0	13,778	17,105	18,844	4,913	2,310
Spending under H.R. 3036:						
Estimated authorization level .....	16,320	18,296	18,667	19,062	1,216	1,246
Estimated outlays .....	15,653	17,431	18,315	19,142	5,026	2,396
CHANGES IN DIRECT SPENDING						
Estimated budget authority .....	45	45	45	45	45	45
Estimated outlays .....	45	45	45	45	45	45

<sup>1</sup> Appropriations for the programs that would be authorized by the bill summed to \$16.3 billion in fiscal year 2003. A full-year appropriation for 2004 for these programs has not yet been provided.

<sup>2</sup> Current law authorizes the appropriation of \$25 million in 2004 for grants to improve analyses of DNA evidence.

Basis of estimate: CBO estimates that implementing H.R. 3036 would cost about \$57 billion over the next five years assuming appropriation of the necessary funds. We also estimate that enacting the bill would increase direct spending by \$45 million a year—or \$225 million over the next five years and \$450 million over the next 10 years.

#### *Spending subject to appropriation*

For this estimate, CBO assumes that the amounts specifically authorized by the bill will be appropriated near the start of each fiscal year and that spending will follow the historical spending rates for the authorized activities. We expect a few programs to spend additional funds more slowly than the historical rates because the bill would authorize substantial increases in funding, relative to the amounts appropriated for 2003.

For a few programs, such as the Edward Byrne Memorial Justice Assistance grant program, H.R. 3036 would authorize a specific appropriation for 2004 and such sums as necessary for subsequent years. CBO estimated the necessary funding levels in future years by adjusting 2004 funding for anticipated inflation.

Under current law, the Antitrust Division of DOJ is authorized to collect premerger filing fees and spend such collections without further appropriation action. CBO assumes that the amounts authorized to be appropriated in H.R. 3036 for the Antitrust Division are in addition to this current spending authority.

#### *Direct spending*

Under current law, DOJ seeks to collect civil debts owned to federal agencies and is authorized to retain 3 percent of such collections to cover its administrative costs. Most of these debts are related to fraud against the government, civil penalties, and defaulted loans. The agency has retained and spent an average of \$45 million annually in recent years. H.R. 3036 would authorize the agency to retain and spend 6 percent of funds collected. CBO estimates that, on average, DOJ would retain and spend an additional \$45 million annually under H.R. 3036. Because these funds would otherwise be returned to the Treasury, this authority would cause an increase in direct spending. CBO has no basis to estimate

whether this additional spending would increase the collection of amounts owed to federal agencies.

Some of the debts that DOJ collects under current law stem from obligations of borrowers participating in federal credit programs. By authorizing DOJ to retain and spend additional funds from such collections, H.R. 3036 would modify the expected costs of existing loans and loan guarantees. The Federal Credit Reform Act requires that the costs of modifying loans and loan guarantees be recorded in the year the legislation authorizing such modifications is enacted. Under current law, however, DOJ is also authorized to recoup from the debtor its own collection costs. Based on information from DOJ, CBO expects that the net cost of modifying loan programs under the bill would not be significant.

Estimated impact on state, local, and tribal governments: H.R. 3036 contains no intergovernmental mandates as defined in UMRA. The bill would extend several matching grant programs for state, local, and tribal governments to enhance law enforcement and add new requirements to existing grant programs. Any costs to those governments would be incurred voluntarily as conditions of federal aid.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Mark Grabowicz and Lanette J. Walker. Impact on State, Local, and Tribal Governments: Melissa Merrell. Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee sets forth the following performance goals and objectives. With respect to the FBI's participation in the Terrorist Threat Integration Center, the Committee expects that the Bureau will remain vigilant against any expansion of TTIC into domestic surveillance activities.

With respect to additional funds for the Office of the Inspector General, the Committee expects the OIG will use these additional funds in fulfilling its duties under § 1001 of the USA PATRIOT Act.

In addition, the Committee expects that OJP and COPS will vigorously implement the various reforms contained in sections 248–52 to bring about greater efficiency and accountability in the programs that they administer. The Committee will closely follow that implementation to determine whether they are being faithfully executed and whether further legislation is necessary to foster a culture of accountability.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

*Section 1. Short Title; Table of Contents*

Section 1 provides that the bill may be cited as the “Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006” and sets forth the table of contents.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

*Section 101. Authorization of Appropriations for Fiscal Year 2004*

Section 101 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2004. These sums are set out in 23 accounts. The numbers generally reflect the President’s budget requests for the Department of Justice for Fiscal Year 2004. The Committee went beyond the Administration’s request in one respect. The Committee provided for additional funds for the Office of the Inspector General. The Committee expects the OIG will use these additional funds in fulfilling its duties under § 1001 of the USA PATRIOT Act. In addition, the authorizations for all three years limit the FBI’s participation in the Terrorist Threat Integration Center to the analysis of intelligence information.

*Section 102. Authorization of Appropriations for Fiscal Year 2005*

Section 102 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2005. These sums are set out in 23 accounts. The numbers generally reflect the President’s budget requests for the Department of Justice for Fiscal Year 2004 with a 2% inflation adjustment.

*Section 103. Authorization of Appropriations for Fiscal Year 2006*

Section 103 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2006. These sums are set out in 23 accounts. The numbers generally reflect the numbers for Fiscal Year 2005 in section 102 with a 2% inflation adjustment.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE’S  
GRANT PROGRAMSSubtitle A—Assisting Law Enforcement and Criminal Justice  
Agencies*Section 201. Merger of Byrne Grant and Local Law Enforcement  
Block Grant Programs*

Section 201 merges the current Byrne Grant Program (both formula and discretionary) and the Local Law Enforcement Block Grant Programs into one new Edward Byrne Memorial Justice Assistance Grant Program. This will allow states and local governments to make one application for this money annually for a four-year term.

The formula for distributing these grants combines elements of the current Byrne and LLEBG formulas. For allocating money to the states, each state automatically receives 0.25% of the total. Of the remaining amount, 50% is divided up among the states accord-

ing to population (the method currently used under Byrne) and 50% is divided up based on the violent crime rate (the method currently used under LLEBG).

Each state's allocation is then divided among state and locals in the following manner. Sixty percent of the allocation goes to the state. Then, that 60% is divided between state and locals based on their relative percentages of overall criminal justice spending within the state. The state keeps its portion of the 60% and gives out the local portion in the state's discretion. This follows how Byrne formula grants are now done.

The remaining 40% of the state's allocation goes directly to the local governments from OJP. Each class of local governments (e.g., cities, counties, townships, etc.) gets a share based on its relative percentage of local criminal justice spending within the state. Within each class, the class's share is divided up between the local governments in that class based on their crime rate. This is similar to how LLEBG grants are now done.

The bill authorizes \$1.075 billion for the program which represents a 2% increase over the amount appropriated for both programs in Fiscal Year 2003. A new feature of the program is that states will be allowed to keep grant funds in interest bearing accounts until spent and then keep the interest. However, all money must be spent during the four-year grant period. In addition, the new program consolidates the current 28 specific purposes for Byrne grants and 9 specific purposes for LLEBG grants into 6 broad purposes intended to cover the same ground while giving more flexibility to use the grants constructively.

*Section 202. Clarification of Number of Recipients Who May Be Selected in a Given Year To Receive Public Safety Officer Medal of Valor*

Section 202 amends the Public Safety Officer Medal of Valor Act of 2001. As enacted, the Act provided that no more than five medals may be awarded per year and that they may only be awarded to individuals. In some instances, the acts of valor are performed by teams of individuals rather than one person. To address this problem, § 202 amends the Act to provide that the medal may be awarded to groups of individuals as well as single individuals.

*Section 203. Congressional Medal for Public Safety Officers Who Responded to the Attacks on the United States on September 11, 2001*

A second problem with the Public Safety Officer Medal of Valor Act is that by limiting the award to five medals per year, the Act did not adequately provide for the recognition of the numerous public safety officers who responded to the attacks on the United States on September 11, 2001. Thus, § 203 creates a new congressional medal for all of those public safety officers who were killed in the attack, and it creates a congressional plaque for all units that responded to the attack. This program is modeled on the congressional medal awarded to veterans of the attack on Pearl Harbor. § 1492 of Pub. L. No. 101-510.

*Section 204. Clarification of Official To Be Consulted by Attorney General in Considering Application for Emergency Federal Law Enforcement Assistance*

Section 204 amends the Emergency Federal Law Enforcement Assistance program (42 U.S.C. § 10501 et seq.) to clarify that in awarding grants under this program the Attorney General shall consult with the Assistant Attorney General for the Office of Justice Programs rather than the Director of the Office of Justice Assistance. This change simply brings the statute into conformity with the existing chain of command in the Department.

*Section 205. Clarification of Uses for Regional Information Sharing System Grants*

Section 205 amends the authorization for the Regional Information Sharing System (42 U.S.C. § 3796h) to clarify its regional character and its authority to establish and maintain a secure telecommunications backbone.

*Section 206. Integrity and Enhancement of National Criminal Record Databases*

Section 206 amends the authorizing statute for the Bureau of Justice Statistics (42 U.S.C. § 3732): (1) to clarify that the Director shall be responsible for the integrity of data and statistics and the prevention of improper or illegal use or disclosure; (2) to provide specific authorization for the already existing National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center and to facilitate state participation in these systems; and (3) to facilitate data-sharing agreements between the Bureau of Justice Statistics and other federal agencies.

**Subtitle B—Building Community Capacity To Prevent, Reduce, and Control Crime**

*Section 211. Office of Weed and Seed Strategies*

Section 211 creates a new Office of Weed and Seed Strategies. This office will replace the current Executive Office of Weed and Seed, and for the first time, this program will have a specific authorization.

**Subtitle C—Assisting Victims of Crime**

*Section 221. Grants to Local Nonprofit Organizations to Improve Outreach Services to Victims of Crime*

Section 221 amends the crime victim assistance grants program to allow grants of less than \$10,000 to be made to smaller neighborhood and community-based victim service organizations. Currently, grants under this program tend to go to larger organizations, and this amendment simply emphasizes that some of the money spent in this program should go to smaller organizations as well.

*Section 222. Clarification and Enhancement of Certain Authorities Relating to Crime Victims Fund*

Section 222 makes several minor adjustments to the authorities relating to the Crime Victims Fund. Subsection 222(1) clarifies that the fund may only accept gifts, donations, or bequests if they do not attach conditions inconsistent with applicable laws or regulations and if they do not require the expenditure of appropriated funds that are not available to the Office of Victims of Crime. Current law establishes a \$50 million antiterrorism reserve within the fund. Each year that reserve may be replenished by using up to 5% of the money in the fund that was not otherwise expended during that year. Subsection 222(2) changes the word “expended” to “obligated” so that funds that have already been obligated for other purposes, but not yet spent will not be counted for this purpose.

Subsection 222(3) allows the Assistant Attorney General to direct the use of the funds available for Indian child abuse program grants under 42 U.S.C. § 10601(g) and to use 5% of those funds for grants to Indian tribes to establish victim assistance programs.

*Section 223. Amounts Received Under Crime Victim Grants May Be Used by State for Training Purposes*

Section 223 amends the grant programs for victim compensation and victim assistance to allow the states part of the 5% reserved for administrative costs for training purposes.

*Section 224. Clarification of Authorities Relating to Violence Against Women Formula and Discretionary Grant Programs*

Section 224 makes several clarifications to the program to fund grants to combat violent crimes against women. Subsection 224(a) clarifies that grants may be used for victim services. Subsection 224(b) corrects an incorrect section number reference in last year’s DOJ authorization bill. Subsection 224(c) clarifies that grants under the program can be made to Indian tribal domestic violence coalitions and corrects other technical errors and makes conforming changes. Subsection 224(d) changes the reporting requirement on the program from annual to biennial.

Subsection 224(e) clarifies that state and tribal governments may use grant funds under the program to pay for forensic medical exams for sexual assault victims so long as the victims are not required to seek reimbursement from their insurers. It further provides that the victim shall not be required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for such exam, or both. Subsection 224(f) makes a technical amendment to the heading for this part of the Code.

*Section 225. Expansion of Grant Programs Assisting Enforcement of Domestic Violence Cases To Also Assist Enforcement of Sexual Assault Cases*

Section 225 amends the programs to provide grants to encourage domestic violence arrest policies and to provide assistance for rural domestic violence and child abuse enforcement to clarify that such grants can also be used to assist enforcement of sexual assault cases.

*Section 226. Change of Certain Reports From Annual to Biennial*

Section 226 amends the reporting provisions under two grant programs to change them from annual to biennial.

*Section 227. Clarification of Recipients and Programs Eligible for Grants Under Rural Domestic Violence and Child Abuse Enforcement Assistance Program*

Under current law, grants under the Rural Domestic Violence and Child Abuse Enforcement Assistance Program may go to public or private entities of rural states. Section 227 amends this language to clarify that the program need not be in the rural state so long as it serves a rural state. It also provides a specific definition for rural areas and rural communities taken from the McKinney-Vento Homeless Assistance Act.

Subtitle D—Preventing Crime

*Section 231. Clarification of Definition of Violent Offender for Purposes of Juvenile Drug Courts*

Section 231 amends the juvenile drug court grant program so that offenders who are convicted of a violent misdemeanor may participate in the program. Currently, misdemeanor offenders may participate only if their offense is non-violent.

*Section 232. Changes to Distribution and Allocation of Grants for Drug Courts*

Section 232(a) repeals the requirement that all states must receive a minimum allocation under the program regardless of the quality of its application. Section 232(b) provides for training by the newly created Community Capacity Development Office to assist applicants who are not funded in how to successfully pursue grants under the program.

*Section 233. Eligibility for Grants Under Drug Court Grants Program Extended to Courts That Supervise Non-Offenders With Substance Abuse Problems*

Section 233 amends the drug court program to allow continuing supervision over non-violent offenders as well as other related persons who may be before the court. This will allow a drug court to consolidate the cases of related individuals who may be under its jurisdiction at one time and supervise them jointly.

*Section 234. Terms of Residential Substance Abuse Treatment Program for Local Facilities*

Section 234 amends the Residential Substance Abuse Treatment for State Prisoners program to clarify that the grants should go to local correctional facilities and detention facilities where prisoners are held long enough to carry out a 3-month course of drug treatment.

Subtitle E—Other Matters

*Section 241. Changes to Certain Financial Authorities*

Subsection 241(a) raises from 3 to 6 percent the amount of money collected from civil debt collection activities that can be

credited to the Working Capital Fund established under 28 U.S.C. § 527.

Subsection 241(b) exempts the SCAAP program from the requirement that it reimburse the Treasury when it makes untimely payments. Subsection 241(c) exempts the Southwest Border Initiative from that requirement and the requirement that it pay interest to states for untimely payments.

Subsections 241(d) and (e) update certain general law enforcement authorities of the Attorney General to include the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

*Section 242. Coordination Duties of Assistant Attorney General*

Subsection 242(a) amends the authorizing statute for OJP to include the Office of Victims of Crime within the list of OJP bureaus. Subsection 242(b) allows the Assistant Attorney General to place special conditions on all grants and to determine priority purposes for formula grants.

*Section 243. Simplification of Compliance Deadlines Under Sex-Offender Registration Laws*

Under current law, states are required to establish state registries of offenders who have committed crimes against minors or who have committed sexually violent crimes. They are also required to share this information with the FBI so that it can maintain a national database. States who do not comply by the deadline can lose 10% of their Byrne grant funding. Some states have made good faith efforts to comply with this requirement, but are still struggling to implement it.

Subsection 243(a) gives these states an additional three years after the date of enactment to implement this requirement. It further allows the Attorney General to extend this deadline for an additional two years if the state is making a good faith effort to comply. Subsection 243(b) corrects a drafting error in the language relating to the provisions relating to the length of registrations required by those who have committed offenses against minors and those who are sexually violent predators. This correction makes the two periods consistent and removes an erroneous implication that the period for sexually violent offenders could be terminated prematurely.

*Section 244. Repeal of Certain Programs*

Section 244 repeals seven grant programs that have been authorized, but have largely not been funded in recent years: the Criminal Justice Facility Construction Pilot Program; the Family Support Program; the Matching Grant Program for School Security; the Local Crime Prevention Block Grant Program; the Assistance for Delinquent and At-Risk Youth Program; and the Improved Training and Technical Automation Program; the Other State and Local Aid Program.

*Section 245. Elimination of Certain Notice and Hearing Requirements*

Section 245 eliminates the requirement that OJP must provide notice and a hearing for grant applicants whose applications are denied. It further eliminates the opportunity for appellate review

of the decisions arising from such hearings. These rights are rarely used.

*Section 246. Amended Definitions for Purposes of Omnibus Crime Control and Safe Streets Act of 1968*

Section 246 broadens the definition of the term “Indian Tribe” to allow more tribes to be treated as units of local government for purposes of OJP grants. It broadens the definition of the term “combination” of State and local governments to include those who jointly plan. It amends the definition of the term “neighborhood or community-based organizations” to clarify that it includes faith-based organizations.

*Section 247. Clarification of Authority To Pay Subsistence Payments to Prisoners for Health Care Items and Services*

Under current law, the Attorney General is required to pay for health care items and services for certain prisoners in the custody of the United States. In every instance, he must not pay more than the lesser of what the Medicare or Medicaid program would pay. This requires the Attorney General to expend a great deal of effort to determine that in each case. This subsection changes that to simply say that he shall not pay more than the Medicare rate. It also substitutes the Department of Homeland Security for a reference to the now defunct Immigration and Naturalization Service.

*Section 248. Office of Audit, Assessment, and Management*

Section 248 creates a new Office of Audit, Assessment, and Management within OJP. This office is authorized to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. This will include establishing and maintaining an automated information management system to track all grants. The Office of Audit, Assessment, and Management will report directly to the Office of the Assistant Attorney General.

This office will be created to address many of the problems that came to light during the Subcommittee’s oversight hearings, particularly the lack of monitoring and outcome-based evaluations of OJP programs. This Office will address findings by the Department’s Inspector General regarding failures to adequately review grant applications and conduct more aggressive and timely corrective action on audit findings, especially with grantees who do not comply with grant terms. A strategic objective of the Department of Justice for the Office of Justice Programs is to ensure meaningful outcomes, appropriate fiscal management, and accountability. This new office will help the Department achieve those objectives.

The new office will audit grants representing 10% of all funds awarded by the programs that it covers each year. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

*Section 249. Community Capacity Development Office*

Section 249 creates a new Community Capacity Development Office within OJP. This office is authorized to provide training on a regional and local basis to actual and prospective participants in

the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. The Office will also identify best practices for grantees and incorporate such practices into its training. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

*Section 250. Office of Applied Law Enforcement Technology*

Section 250 creates an Office of Applied Law Enforcement Technology headed by a Director appointed by the Attorney General. This office will ensure that grant moneys provided to law enforcement for computer systems will be spent for equipment and software that is of good quality and suitable to support. The Director and the office will provide leadership and focus so that grants that are made for using or improving law enforcement computer systems and ensuring that recipients of such grants use such systems to participate in crime reporting programs administered by the Department. This will correct past practice where there has been little or no coordination between federal grant funds spent by localities on computer systems and the crime reporting programs authorized by Congress and administered by the Department of Justice.

*Section 251. Availability of Funds for Grants*

Section 251 provides that unless otherwise specifically provided by an authorizing statute, money appropriated for grants in fiscal year 2004 and any subsequent fiscal year shall remain available to be awarded and distributed to grantees for the year appropriated and three subsequent fiscal years. If the money is reprogrammed, the time period begins again. It further provides that money distributed to grantees must be spent within the time period provided by the grant. In either case, money not meeting the requirement shall revert to the Treasury. This change will provide an incentive to get grant funds spent for their intended purposes rather than languishing at OJP or at the offices of the grantee.

*Section 252. Consolidation of Financial Management Systems of Office of Justice Programs*

Section 252 requires the Assistant Attorney General of the Office of Justice Programs to make two significant financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2007.

The Assistant Attorney General is required to begin the consolidation of accounting activities under the Office of the Comptroller and the consolidation of procurement activities under the Office of Administration not later than October 1, 2003. The Office of Administration is to begin the consolidation of procurement operations and financial management systems into a single financial system not later than September 30, 2005.

### TITLE III—MISCELLANEOUS AMENDMENTS TO TITLE 18 AND RELATED LAWS

#### *Section 301. Technical Amendments Relating Public Law 107–56*

Section 301 makes a series of technical amendments to Public Law No. 107–56, the USA PATRIOT Act.

#### *Section 302. Miscellaneous Technical Amendments*

Section 302 makes a series of technical amendments to Title 18 and Title 28, and it also repeals a duplicative authorization of a sexual abuse prevention program for runaway children which has recently been reauthorized in another statute. § 117(b) of Pub. L. No. 108–96.

#### *Section 303. Minor Substantive Amendment Relating to Contents of FBI Annual Report*

Section 303 adds a requirement that the FBI include the number of personnel receiving danger pay in its annual report.

#### *Section 304. Use of Federal Training Facilities*

Section 304 is intended to ensure that the Justice Department uses the most cost-effective training and meeting facilities for its employees. For any predominantly internal training or conference meeting, subsection (a) requires the Justice Department to use only a facility that does not require a payment to a private entity for the use of such facility, unless specifically authorized in writing by the Attorney General. Subsection (b) requires the Attorney General to prepare an annual report to the Chairmen and Ranking Members of the House and Senate Judiciary Committees that details each training or conference meeting requiring authorization under subsection (a). The report must include an explanation of why the facility was chosen and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

#### *Section 305. Privacy Officer*

Section 305 is intended to ensure that the Justice Department safeguards personally identifiable information and complies with fair information practices pursuant to 5 U.S.C. § 552a. Subsection (a) requires the Attorney General to designate a senior official with primary responsibility for privacy policy. Subsection (b) specifies that the responsibilities of such official include: (1) assuring that the Department's use of technologies do not erode privacy protections relating to the use, collection, and disclosure of personally identifiable information; (2) ensuring that such information is handled in full compliance with fair information practices; (3) evaluating legislative and regulatory proposals concerning the collection, use, and disclosure of such information by the Federal government; (4) conducting a privacy impact assessment of the Department's proposed rules on the privacy of such information; (5) reporting to Congress on the Department's activities that affect privacy; (6) ensuring that the Department protects such information and its information systems from unauthorized access, use, disclosure, disruption, modification, or destruction; and (7) advising the Attorney General and Director of the Office of Management and Budget on

information security and privacy issues pertaining to Federal government information systems. Subsection (c) requires the Justice Department to review its policies to assure that it treats personally identifiable information in its databases in a manner that complies with applicable Federal law pertaining to privacy.

*Section 306. Bankruptcy Crimes*

Section 306 is intended to ensure the United States Trustee Program (a component of the Justice Department) actively identifies matters warranting criminal referrals and undertakes efforts to prevent bankruptcy fraud and abuse. It requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Program; (2) the outcomes of each criminal referral; (3) any decrease in the number of criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

AMENDMENTS ADOPTED AT COMMITTEE

At the markup of H.R. 3036, the Committee did not make any changes to the introduced text of the bill. However, it did adopt amendments that added several sections to the bill. Those sections are described below.

*Section 307. Report to Congress on Status of United States Persons or Residents Detained on Suspicion of Terrorism*

Section 307 was added by an amendment offered by Representative Schiff and adopted by the Committee. Section 307 requires the Attorney General to submit an annual report to Congress specifying the number of United States persons or residents detained on suspicion of terrorism and specifying the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

TITLE IV—DNA DATABASE ENHANCEMENT

Title IV was added by an amendment offered by Representative Schiff and adopted by the Committee. It contains several provisions relating to enhancing DNA databases.

*Section 401. Short Title*

Section 401 provides that Title IV may be cited as the "DNA Database Enhancement Act."

*Section 402. Inclusion of DNA Samples From All Persons Convicted of Violent Felonies*

Section 402 amends the DNA Analysis Backlog Elimination Act of 2000 to require any state which receives grants under that Act to include every person convicted of a violent felony under its state law within its DNA database.

*Section 403. Authorization for States To Upload DNA Samples Collected in a Lawful Manner*

Section 403 amends the provisions of the Violent Crime Control and Law Enforcement Act of 1994 so that the DNA of persons arrested for crimes and the DNA of persons from whom DNA samples have been lawfully taken under state law may be included in the DNA database authorized under that Act.

*Section 404. Requirement That Law Enforcement Officers Be Able To Compare Collected Samples With National Database*

Section 404 amends the DNA Analysis Backlog Elimination Act of 2000 to require any state which receives grants under that Act not to prohibit or limit its law enforcement officers from comparing lawfully obtained DNA samples with the information in the Combined DNA Index System.

*Section 405. Reauthorization of DNA Backlog Grant Program*

Section 405 permanently reauthorizes such sums as may be necessary to fund the DNA Backlog Grant Programs first authorized under the DNA Analysis Backlog Elimination Act of 2000.

## TITLE V—KOBY MANDELL ACT

Title V was added by an amendment offered by Representative Weiner and adopted by the Committee. It establishes an office within the Department of Justice to undertake specific steps to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally.

*Section 501. Short Title*

Section 501 provides that Title V may be cited as the “Koby Mandell Act of 2003.”

*Section 502. Findings*

Section 502 sets forth congressional findings with respect to the provisions of Title V.

*Section 503. Establishment of an Office Within the Department of Justice To Undertake Specific Steps To Facilitate the Capture of Terrorists Who Have Harmed American Citizens Overseas and To Ensure That All American Victims of Overseas Terrorism Are Treated Equally*

Section 503 requires the President to establish within the Department of Justice an office to carry out the following activities: (1) create a Bringing Terrorists to Justice program that will offer rewards to capture terrorists involved in harming American citizens overseas; (2) establish a program to provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them; (3) work with other agencies to expand legal restrictions on terrorists to reap profits from books or movies concerning their crimes; (4) determine if terrorists who have harmed American citizens overseas are serving in police or security forces and request other agencies involved in providing assistance to

those forces to halt assistance until such terrorists are removed from their positions; (5) undertake an assessment of the pattern of indictments of terrorists who have harmed American citizens overseas to determine the reasons for the absence of indictments in some regions; (6) monitor public actions by governments and regimes overseas to honor terrorists who have harmed American citizens overseas and encourage other agencies to halt their assistance to such governments and regimes; and (7) coordinate with other agencies to seek the transfer to United States custody of terrorists who have harmed American citizens overseas if they are released from the custody of other governments.

*Section 504. Authorization of Appropriations*

Section 504 authorizes such sums as may be necessary to carry out the purposes of Title V for fiscal years 2003 and subsequent fiscal years and makes amounts appropriated under the section available until expended.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF  
1968**

\* \* \* \* \*

**TITLE I—JUSTICE SYSTEM IMPROVEMENT**

**PART A—OFFICE OF JUSTICE PROGRAMS**

\* \* \* \* \*

**DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL**

**SEC. 102. (a) The Assistant Attorney General shall—**

**(1) \* \* \***

\* \* \* \* \*

(5) coordinate and provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, *the Office for Victims of Crime*, and the Office of Juvenile Justice and Delinquency Prevention; and

(6) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General, *including placing special conditions on all grants, and determining priority purposes for formula grants.*

\* \* \* \* \*

**SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.**

(a) *ESTABLISHMENT.*—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

(b) *ASSISTANCE.*—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$58,265,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 and 2006, to remain available until expended.

**SEC. 104. WEED AND SEED STRATEGIES.**

(a) *IN GENERAL.*—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

(1) *WEEDING.*—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

(2) *SEEDING.*—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

(b) *GUIDELINES.*—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) in a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both—

(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

(ii) the United States Attorney for the District encompassing the community;

(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organiza-

tions, and interested citizens are to cooperate in implementing the strategy; and

(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

(c) *DESIGNATION.*—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

(1) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and

(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

(d) *APPLICATION.*—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

(1) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

(B) a significant community-oriented policing component; and

(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

(e) *GRANTS.*—

(1) *IN GENERAL.*—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

(2) *USES.*—For each grant under this subsection, the community receiving that grant—

(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

(3) *LIMITATIONS.*—A community may not receive grants under this subsection (or fall within such a community)—

(A) for a period of more than 10 fiscal years;

(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

(4) *DISTRIBUTION.*—In making grants under this subsection, the Director shall ensure that—

(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

(5) *FEDERAL SHARE.*—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

(B) The requirement of subparagraph (A)—

(i) may be satisfied in cash or in kind; and

(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

(6) *SUPPLEMENT, NOT SUPPLANT.*—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

#### **SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General.

(2) *PURPOSE.*—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b).

(3) *EXCLUSIVITY.*—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

(b) *COVERED PROGRAMS.*—The programs referred to in subsection (a) are the following:

(1) The program under part Q of this title.

(2) Any grant program carried out by the Office of Justice Programs.

(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

(c) **PERFORMANCE AUDITS REQUIRED.**—

(1) **IN GENERAL.**—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

(2) **RELATIONSHIP TO NIJ EVALUATIONS.**—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

(3) **TIMING OF PERFORMANCE AUDITS.**—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

(B) at the end of each year of the grant period, if the grant period is more than 1 year.

(d) **COMPLIANCE ACTIONS REQUIRED.**—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) **GRANT MANAGEMENT SYSTEM.**—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

(f) **AVAILABILITY OF FUNDS.**—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management.

**SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General.

(2) **PURPOSE.**—The purpose of the Office shall be to provide training to actual and prospective participants under programs

covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

(3) *EXCLUSIVITY.*—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

(b) *MEANS.*—The Director shall, in coordination with the heads of the other elements of the Office of Justice Programs, carry out the purpose of the Office through the following means:

(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

(2) Providing information, training, and technical assistance.

(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

(5) Any other similar means.

(c) *LOCATIONS.*—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Office of Justice Programs, such training may be provided on a local basis to a single such participant.

(d) *BEST PRACTICES.*—The Director shall—

(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

(2) incorporate those characteristics into the training provided under this section.

(e) *AVAILABILITY OF FUNDS.*—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office.

#### **SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.**

(a) *ESTABLISHMENT.*—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

(b) *DUTIES.*—In carrying out the purpose of the Office, the Director shall—

(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.

**SEC. 108. AVAILABILITY OF FUNDS.****(a) PERIOD FOR AWARDING GRANT FUNDS.—**

(1) *IN GENERAL.*—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraph (2). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

(2) *TREATMENT OF REPROGRAMMED FUNDS.*—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

**(b) PERIOD FOR EXPENDING GRANT FUNDS.**—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

**(c) DEFINITION.**—In this section, the term “DOJ grant funds” means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

**(d) APPLICABILITY.**—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.

\* \* \* \* \*

**PART C—BUREAU OF JUSTICE STATISTICS****ESTABLISHMENT, DUTIES, AND FUNCTIONS****SEC. 302. (a) \* \* \***

**(b)** The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. *The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.* The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

**(c)** The Bureau is authorized to—

**(1) \* \* \***

\* \* \* \* \*

**[(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;]**

*(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and en-*

*hancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;*

\* \* \* \* \*

(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) \* \* \*

\* \* \* \* \*

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; **[and]**

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data**[.]**; and

(6) *confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.*

\* \* \* \* \*

#### USE OF DATA

SEC. 304. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a **[particular individual]** *private person or public agency* other than statistical or research purposes.

\* \* \* \* \*

#### PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

##### **[NAME OF PROGRAMS]**

**[SEC. 500.** The grant programs established under this part shall be known as the “Edward Byrne Memorial State and Local Law Enforcement Assistance Programs”.

### **[Subpart 1—Drug Control and System Improvement Grant Program]**

#### **[DESCRIPTION OF THE DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM]**

**[SEC. 501.** (a) It is the purpose of this subpart to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy by developing programs and projects to assist multijurisdictional and multi-State organizations

in the drug control problem and to support national drug control priorities.

[(b) The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the "Director") is authorized to make grants to States, for the use by States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Such grants shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, and detention and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

[(1) demand reduction education programs in which law enforcement officers participate;

[(2) multijurisdictional task force programs that integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence, and facilitating multijurisdictional investigations;

[(3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine;

[(4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

[(5) disrupting illicit commerce in stolen goods and property;

[(6) improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes, and fraud against the government with priority attention to cases involving drug-related official corruption;

[(7)(A) improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs;

[(B) developing and implementing antiterrorism plans for deep draft ports, international airports, and other important facilities;

[(8) career criminal prosecution programs including the development of proposed model drug control legislation;

[(9) financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information sharing systems;

[(10) improving the operational effectiveness of the court process, by expanding prosecutorial, defender and judicial resources, and implementing court delay reduction programs;

[(11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies;

[(12) providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

[(13) providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

[(14) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

[(15)(A) developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug dependent offenders, enhancement of State and local forensic laboratories, and

[(B) criminal and justice information systems to assist law enforcement, prosecution, courts, and corrections organization (including automated fingerprint identification systems);

[(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

[(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.

[(18) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly;

[(19) drug control evaluation programs which the State and local units of government may utilize to evaluate programs and projects directed at State drug control activities;

[(20) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community;

[(21) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales;

[(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles;

[(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles in courts with jurisdiction over adults for the crimes of—

[(A) murder in the first degree;

[(B) murder in the second degree;

[(C) attempted murder;

[(D) armed robbery when armed with a firearm;

[(E) aggravated battery or assault when armed with a firearm;

[(F) criminal sexual penetration when armed with a firearm; and

[(G) drive-by shootings as described in section 36 of title 18, United States Code;

[(24) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs;

[(25) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as "DNA") for identification purposes;

[(26) to develop and implement antiterrorism training programs and to procure equipment for use by local law enforcement authorities;

[(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

[(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

[(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

[(c) Each program funded under this section shall contain an evaluation component, developed pursuant to guidelines established by the National Institute of Justice, in consultation with the Bureau of Justice Assistance. The Director of the Bureau of Justice Assistance may waive this requirement when in the opinion of the Director—

[(1) the program is not of sufficient size to justify a full evaluation report; or

[(2) the program is designed primarily to provide material resources and supplies, such as laboratory equipment, that would not justify a full evaluation report.

#### ELIGIBILITY

[SEC. 502. The Bureau is authorized to make financial assistance under this subpart available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this subpart.

#### STATE APPLICATIONS

[SEC. 503. (a) To request a grant under this subpart, the chief executive officer of a State shall submit an application within 60 days after the Bureau has promulgated regulations under this section, and for each subsequent year, within 60 days after the date that appropriations for this part are enacted, in such form as the Director may require. Such application shall include the following:

[(1) A statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy shall be prepared after consultation with State and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice and shall contain—

[(A) a definition and analysis of the drug and violent crime problem in the State, and an analysis of the prob-

lems in each of the counties and municipalities with major drug and violent crime problems;

[(B) an assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application;

[(C) coordination requirements;

[(D) resource needs;

[(E) the establishment of statewide priorities for crime and drug control activities and programs;

[(F) an analysis of the relationship of the proposed State efforts to the national drug control strategy; and

[(G) a plan for coordinating the programs to be funded under this part with other federally funded programs, including State and local drug abuse education, treatment, and prevention programs.

[(2) A certification that Federal funds made available under the formula grant of this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

[(3) A certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds.

[(4) An assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 30-day period beginning on the date such application or amendment is so submitted).

[(5) An assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

[(6) An assurance that following the first fiscal year covered by an application and for each fiscal year thereafter, a performance evaluation and assessment report concerning the activities carried out pursuant to this section will be submitted to the Bureau.

[(7) A provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records that the Bureau shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds reviewed under this section.

[(8) An assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this subpart.

[(9) A certification that its programs meet all the requirements of this section, that all the information contained in the

application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this subpart and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office.

[(10) A certification that the State is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

[(11) An assurance that the State has established a plan under which the State will provide without fee to the Immigration and Naturalization Service, within 30 days of the date of their conviction, the certified records of conviction of aliens who have been convicted of violating the criminal laws of the State.

[(12) If any part of funds received from a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

[(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994;

[(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

[(i) to criminal justice agencies for law enforcement identification purposes;

[(ii) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

[(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

[(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

[(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 210303 of the DNA Identification Act of 1994.

[(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

[(A) forensic science laboratory or forensic science laboratory system, that—

[(i) employs 1 or more full-time scientists—

[(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

[(II) who provide testimony with respect to such physical evidence to the criminal justice system;

[(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

[(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors, the National Association of Medical Examiners, or any other nonprofit, professional organization that may be recognized within the forensic science community as competent to award such accreditation, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

[(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

[(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

[(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.

[(b) Within 30 days after the date of enactment of this part, the Director shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this section.

#### [(GRANT LIMITATIONS

[(SEC. 504. (a) A grant made under this subpart may not—

[(1) for fiscal year 1991 appropriations be expended for more than 75 per centum; and

[(2) for any subsequent fiscal year appropriations be expended for more than 75 per centum;

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section 501(b), except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

[(b) Not more than 10 percent of a grant made to an eligible State under section 506 may be used for costs incurred to administer such grant.

[(c) States and units of local government or combinations thereof are authorized to use a grant made under section 506 for the expenses associated with participation in the State and Local Task

Force Program established by the Drug Enforcement Administration.

[(d) States and local units of government are authorized to use a grant made under section 506 for the expenses associated with conducting the evaluations required under section 501(c) of this part.

[(e) The non-Federal portion of the cost of such program or project shall be in cash. State and local units of government may use cash received under the equitable sharing program to cover the non-Federal portion of the costs of programs funded under section 506.

[(f) Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces victims assistance programs, or multijurisdictional gang task forces, no funds may be awarded under this subpart to a grant recipient for a program or project for which funds have been awarded under this title for 4 years (in the aggregate), including any period occurring before the effective date of this subsection.

#### [REVIEW OF STATE APPLICATIONS

[SEC. 505. (a) The Bureau shall provide financial assistance to each State applicant under this subpart to carry out the programs or projects submitted by such applicant upon determining that—

[(1) the application or amendment thereto is consistent with the requirements of this subpart; and

[(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with this subpart.

[(b) Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 shall be deemed approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

[(c) Grant funds awarded under this subpart shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

[(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

#### [ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

[SEC. 506. (a) Subject to subsection (f), of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

[(1) 0.4 percent shall be allocated to each of the States; and

[(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

[(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(b) that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

[(2) In distributing funds received under this part among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

[(3) Any funds not distributed to units of local government under paragraph (2) shall be available for expenditure by the State involved.

[(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

[(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

[(d) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 502, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

[(e) Any funds allocated under subsection (a) or (f) that are not distributed under this section shall be available for obligation under subpart 2.

[(f)(1) For any fiscal year beginning more than 2 years after the effective date of this subsection—

[(A) 90 percent of the funds allocated under subsection (a) without regard to this subsection to a State described in paragraph (2) shall be distributed by the Director to such State; and

[(B) 10 percent of such funds shall be allocated equally among States that are not affected by the operation of subparagraph (A).

[(2) Paragraph (1)(A) refers to a State that does not have in effect, and does not enforce, in such fiscal year, a law that requires the State at the request of the victim of a sexual act—

[(A) to administer, to the defendant convicted under State law of such sexual act, a test to detect in such defendant the presence of the etiologic agent for acquired immune deficiency syndrome;

[(B) to disclose the results of such test to such defendant and to the victim of such sexual act; and

[(C) to provide to the victim of such sexual act counseling regarding HIV disease, HIV testing, in accordance with applicable law, and referral for appropriate health care and support services.

[(3) For purposes of this subsection—

[(A) the term “convicted” includes adjudicated under juvenile proceedings; and

[(B) the term “sexual act” has the meaning given such term in subparagraph (A) or (B) of section 2245(1) of title 18, United States Code.

#### [(STATE OFFICE

[SEC. 507. (a) The chief executive of each participating State shall designate a State office for purposes of—

[(1) preparing an application to obtain funds under section 503;

[(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

[(3) coordinating the distribution of funds provided under this part with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities and programs.

[(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

#### [(DISTRIBUTION OF GRANTS TO LOCAL GOVERNMENT

[SEC. 508. (a) Each application made by a local unit of government, or a combination of units of local government, to a State for funds under this subchapter shall be deemed approved, in whole or in part, by the State not later than 45 days after first received unless the State informs the applicant in writing of specific reasons for disapproval. The State shall not finally disapprove any application submitted to the State without first affording the applicant reasonable notice and opportunity for reconsideration.

[(b) Each State which receives funds under section 506 in a fiscal year shall make such funds available to local units of government, or combinations thereof, whose application has been submitted to, approved and awarded by the State, within 45 days after the Bureau has approved the State application and has made funds available to such State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State cannot satisfy that requirement consistent with State statutes.

#### [(IMPROVEMENT OF CRIMINAL JUSTICE RECORDS

[SEC. 509. (a) Subject to subsection (d), each State which receives funds under section 506 in a fiscal year shall allocate not less than

5 percent of such funds to the improvement of criminal justice records.

[(b) The improvement referred to in subsection (a) shall include—

[(1) the completion of criminal histories to include the final dispositions of all arrests for felony offenses;

[(2) the full automation of all criminal justice histories and fingerprint records;

[(3) the frequency and quality of criminal history reports to the Federal Bureau of Investigation; and

[(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.

[(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.

[(c) The Director, in consultation with the Director of the Bureau of Justice Statistics, shall establish guidelines for the fulfillment of the requirements specified in subsections (a) and (b) of this section.

[(d) In accordance with such guidelines as the Director shall issue and on the request of a State, the Director may—

[(1) waive compliance with subsection (a) by such State; or

[(2) authorize such State to reduce the minimum amount such State is required to allocate under subsection (a); if the Director, in the discretion of the Director, finds that the quality of the State's criminal justice records does not warrant expending the amount allocated under subsection (a).]

### ***Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program***

#### **SEC. 500. NAME OF PROGRAM.**

(a) *IN GENERAL.*—The grant program established under this subpart shall be known as the “Edward Byrne Memorial Justice Assistance Grant Program”.

(b) *REFERENCES TO FORMER PROGRAMS.*—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

#### **SEC. 501. DESCRIPTION.**

(a) *GRANTS AUTHORIZED.*—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and in-

formation systems for criminal justice, including for any one or more of the following programs:

- (1) Law enforcement programs.
- (2) Prosecution and court programs.
- (3) Prevention and education programs.
- (4) Corrections and community corrections programs.
- (5) Drug treatment programs.
- (6) Planning, evaluation, and technology improvement programs.

(b) **CONTRACTS AND SUBAWARDS.**—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

- (1) neighborhood or community-based organizations that are private and nonprofit;
- (2) units of local government; or
- (3) tribal governments.

(c) **PROGRAM ASSESSMENT COMPONENT; WAIVER.**—

(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) **PROHIBITED USES.**—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

(1) Any security enhancements or any equipment to any non-governmental entity that is not engaged in criminal justice or public safety.

(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

- (A) vehicles, vessels, or aircraft;
- (B) luxury items;
- (C) real estate;
- (D) construction projects (other than penal or correctional institutions); or
- (E) any similar matters.

(e) **ADMINISTRATIVE COSTS.**—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

(f) **PERIOD.**—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) **RULE OF CONSTRUCTION.**—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

**SEC. 502. APPLICATIONS.**

To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

(A) the application (or amendment) was made public; and

(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(A) the programs to be funded by the grant meet all the requirements of this subpart;

(B) all the information contained in the application is correct;

(C) there has been appropriate coordination with affected agencies; and

(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

**SEC. 503. REVIEW OF APPLICATIONS.**

The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

**SEC. 504. RULES.**

The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the

date on which amounts are first made available to carry out this subpart.

**SEC. 505. FORMULA.**

**(a) ALLOCATION AMONG STATES.—**

(1) *IN GENERAL.*—Of the total amount appropriated for this subpart, the Attorney General shall allocate—

(A) 50 percent of such amount to each State in amounts that bear the same ratio of—

(i) the total population of a State to—

(ii) the total population of the United States; and

(B) 50 percent of such amount to each State in amounts that bear the same ratio of—

(i) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

(ii) the average annual number of such crimes reported by all States for such years.

(2) *MINIMUM ALLOCATION.*—Notwithstanding paragraph (1), no State shall receive less than .25 percent of such total amount for each fiscal year.

**(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—**Of the amounts allocated under subsection (a)—

(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

(2) 40 percent shall be for grants to be allocated under subsection (d).

**(c) ALLOCATION FOR STATE GOVERNMENTS.—**

(1) *IN GENERAL.*—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

(2) *REMAINING AMOUNTS.*—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

**(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—**

(1) *IN GENERAL.*—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

(2) *ALLOCATIONS FOR CATEGORIES OF LIKE UNITS OF LOCAL GOVERNMENT.*—Of the amounts referred to in paragraph (1), each of the four categories of like governmental units (county, city, township, and other) within a State shall be allocated an amount that bears the same ratio of—

(A) the total expenditures on criminal justice by units of local government in that category within that State in the most recently completed fiscal year to—

(B) the total expenditures on criminal justice by all units of local government within that State in such year.

(3) *ALLOCATIONS FOR UNITS OF LOCAL GOVERNMENT.*—Of the amounts allocated to a category under paragraph (2), each unit of local government in that category within that State shall be allocated an amount that bears the same ratio of—

(A) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such unit of local government for the three most recent years reported by such unit of local government to—

(B) the average annual number of such crimes reported by all like governmental units for such years.

(e) *LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.*—

(1) *MAXIMUM ALLOCATION.*—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

(2) *ALLOCATIONS UNDER \$10,000.*—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

(3) *NON-REPORTING UNITS.*—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately-preceding 10 years.

(f) *FUNDS NOT USED BY THE STATE.*—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part I violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) *SPECIAL RULES FOR PUERTO RICO.*—

(1) *ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.*—Notwithstanding subsection (b), of the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to Puerto Rico.

(2) *NO LOCAL ALLOCATIONS.*—Subsections (c) and (d) shall not apply to Puerto Rico.

(h) *DEFINITION.*—

(1) *IN GENERAL.*—For purposes of this section, the term “like governmental unit” means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes.

(2) *CERTAIN LIKE UNITS REQUIRED.*—Notwithstanding paragraph (1), in determining the meaning of such term for purposes of this section—

(A) all counties (including parishes) shall be treated as like governmental units;

(B) all cities shall be treated as like governmental units;

(C) all townships shall be treated as like governmental units; and

(D) all governmental units of other particular types shall be treated as like governmental units of such types.

**SEC. 506. RESERVED FUNDS.**

Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

(1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

**SEC. 507. INTEREST-BEARING TRUST FUNDS.**

(a) *TRUST FUND REQUIRED.*—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) *EXPENDITURES.*—

(1) *IN GENERAL.*—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) *REPAYMENT.*—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) *REDUCTION OF FUTURE AMOUNTS.*—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) *REPAID AMOUNTS.*—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this subpart \$1,075,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

## **Subpart 2—Discretionary Grants**

### **[CHAPTER A—GRANTS TO PUBLIC AND PRIVATE ENTITIES**

#### **[PURPOSES**

**[SEC. 510.** (a) The purpose of this chapter is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of—

**[(1)** undertaking educational and training programs for—

**[(A)** criminal justice personnel; and

**[(B)** the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;

**[(2)** providing technical assistance to States and local units of government;

**[(3)** undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section 501(b); and

**[(4)** providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

**[(b)** In carrying out this chapter, the Director is authorized to make grants to, or enter into contracts with non-Federal public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in section 501(b) and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c). The Director shall have final authority over all funds awarded under this chapter.

**[(c)(1)** In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information concerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

**[(2)** Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

**[(3)** Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

[(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

[(A) is not of a sufficient size to justify an evaluation; or

[(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.

[(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.

#### [ALLOCATION OF FUNDS FOR GRANTS

[SEC. 511. Of the total amount appropriated for this part (other than chapter B of this subpart) in any fiscal year, 20 percent or \$50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section 501(b). Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

#### [LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

[SEC. 512. Grant funds awarded under section 511 shall not be used for land acquisition or construction projects.]

\* \* \* \* \*

## CHAPTER C—GENERAL REQUIREMENTS

### APPLICATION REQUIREMENTS

SEC. 517. (a) No grant may be made under this subpart unless an application has been submitted to the Director in which the applicant—

(1) sets forth a program or project which is eligible for funding [pursuant to section 511 or 515] *pursuant to section 515*;

\* \* \* \* \*

## Subpart 3—Administrative Provisions

### EVALUATION

SEC. 520. (a) To increase the efficiency and effectiveness of programs funded under this part, the National Institute of Justice shall—

(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct [the program evaluations as required by section 501(c) of this part] *program evaluations*; and

(2) conduct a reasonable number of comprehensive [evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part]

*evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part.*

(b) In selecting programs for review, the Director of the National Institute of Justice should consider—

(1) \* \* \*

(2) the cost of the program to be evaluated and the number of similar **【**programs funded under section 506 (formula grants) and section 511 (discretionary grants)**】** *programs funded under section 505 (formula grants);*

\* \* \* \* \*

#### REPORTS

SEC. 522. (a) Each State which receives a grant under **【**section 506**】** *section 505* shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and **【**an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503**】** *an assessment of the impact of such activities on meeting the purposes of subpart 1;*

\* \* \* \* \*

#### **【**PART F—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM**】**

##### **【**AUTHORITY FOR PAYMENTS**】**

**【**SEC. 601. In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the “Director”) is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this part, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

##### **【**ELIGIBILITY**】**

**【**SEC. 602. (a) A State, unit of local government, or combination of such units shall be eligible for assistance under this part for a correctional facility project only—

**【**(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 319 of title 18, United States Code, has made a determination that such project represents a prototype of new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

**【**(2) for not more than one such project in any State per fiscal year.

**【**(b) A State, a unit of local government, or a combination of such units shall be eligible for assistance under this part for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local

government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

【APPLICATION; APPROVAL; PAYMENT

【SEC. 603. (a) A State, unit of local government, or combination of such units desiring to receive assistance under this part for a correctional facility project shall submit to the Director an application which shall include—

【(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

【(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

【(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

【(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

【(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

【(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 606.

【(b)(1) The Director may approve any such application only if the Director finds that—

【(A) there are sufficient funds available to provide the assistance requested;

【(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

【(C) the application contains such reasonable assurances as may be required under subsection (a); and

【(D) the eligibility criteria of section 602 are met.

【(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

【(c) Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construc-

tion of an approved project shall be used solely for carrying out such project as so approved.

[(d) An amendment of any application shall be subject to approval in the same manner as an original application.]

#### [RECAPTURE PROVISIONS]

[SEC. 605. If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this part, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this part for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.]

#### [CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES]

[SEC. 606. (a) The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such information shall include information regarding—

[(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

[(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

[(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

[(4) the cost effectiveness of available construction materials, methods, and design technologies;

[(5) the training of correctional facility personnel; and

[(6) health and safety considerations in construction planning.]

[(b) The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.]

\* \* \* \* \*

#### PART H—ADMINISTRATIVE PROVISIONS

##### CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. (a) \* \* \*

(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts E, M, N, O, and U in order to determine—

(1) \* \* \*

\* \* \* \* \*

(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under subpart 1 of part E to submit an annual performance report concerning activities carried out pursuant to subpart 1 of part E together with an assessment by the applicant of the effectiveness of those activities in achieving **the purposes of section 501 of this title** *the purposes of such subpart 1* and the relationships of those activities to the needs and objectives specified by the applicant in **the application submitted pursuant to section 503 of this title** *the application submitted pursuant to section 502 of this title*. The Bureau shall suspend funding for an approved application under subpart 1 of part E if an applicant fails to submit such an annual performance report.

\* \* \* \* \*

#### NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

SEC. 802. **[(a)]** Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this title has failed to comply substantially with—

(1) \* \* \*

\* \* \* \* \*

**[(b)]** If any grant application submitted under subpart 1 of part E or under part M, N, O, or T of this title has been denied, or any grant under this title has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Jus-

tice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

[(c) If the applicant involved is dissatisfied with the findings and determinations of the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.]

#### FINALITY OF DETERMINATIONS

SEC. 803. In carrying out the functions vested by this title in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall[, after reasonable notice and opportunity for a hearing,] be final and conclusive upon all applications[, except as otherwise provided herein].

#### [APPELLATE COURT REVIEW

[SEC. 804. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 802, 803, or 809(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate.

[(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, if sup-

ported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

[(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.]

\* \* \* \* \*

#### TITLE TO PERSONAL PROPERTY

SEC. 808. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to [the State office described in section 507 or 1408] *the State office responsible for the trust fund required by section 507, or the State office described in section 1408*, as the case may be, of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

\* \* \* \* \*

#### CONFIDENTIALITY OF INFORMATION

Sec. 812. (a) [Except as provided by Federal law other than this title, no] *No* officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted

as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

\* \* \* \* \*

## PART I—DEFINITIONS

### DEFINITIONS

SEC. 901. (a) As used in this title—

(1) \* \* \*

(2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands: *Provided*, That **for the purposes of section 506(a)** *for the purposes of section 505(a)* American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands;

(3) “unit of local government” means—

(A) \* \* \*

\* \* \* \* \*

(C) an Indian Tribe **[(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))]** that performs law enforcement functions, as determined by the Secretary of the Interior; or

\* \* \* \* \*

(5) “combination” as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice **[program or project]** *program, plan, or project*;

\* \* \* \* \*

(11) “neighborhood or community-based organizations” means organizations **[which]**, *including faith-based, that* are representative of communities or significant segments of communities;

\* \* \* \* \*

(24) the term “young offender” means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles); **[and]**

(25) the term “residential substance abuse treatment program” means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner’s cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner’s substance abuse and related problems**[.]**;

(26) the term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

(27) the term “private person” means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).

\* \* \* \* \*

#### PART M—REGIONAL INFORMATION SHARING SYSTEMS

##### SEC. 1301. REGIONAL INFORMATION SHARING SYSTEMS GRANTS.

(a) \* \* \*

(b) Grants and contracts awarded under this part shall be made for—

(1) maintaining and operating *regional* information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

\* \* \* \* \*

[(3) establishing and maintaining a telecommunication of the information sharing and analytical programs in clauses (1) and (2);]

(3) *establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;*

(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and [(5)]

\* \* \* \* \*

#### PART O—RURAL DRUG ENFORCEMENT

\* \* \* \* \*

#### OTHER REQUIREMENTS

SEC. 1502. Subparts 1 and 3 of part E of this title shall apply with respect to funds appropriated to carry out this part, in the same manner as such subparts apply to funds appropriated to carry out part E, except that—

(1) [section 506(a)] *section 505(a)* of this title shall not apply with respect to this part; and

(2) in addition to satisfying the requirements of [section 503(a)] *section 502*, each application for a grant under this part shall include in its application a statement specifying how such grant will be coordinated with a grant received under [section 506] *section 505* of this title for the same fiscal year.

\* \* \* \* \*

## PART P—CRIMINAL CHILD SUPPORT ENFORCEMENT

\* \* \* \* \*

### SEC. 1602. STATE APPLICATIONS.

(a) \* \* \*

(b) STATE OFFICE.—[The office designated under section 507 of title I] *The office responsible for the trust fund required by section 507—*

(1) \* \* \*

\* \* \* \* \*

## PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”

\* \* \* \* \*

### SEC. 1702. APPLICATIONS.

(a) \* \* \*

\* \* \* \* \*

(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies [and reflects consideration of the statewide strategy under section 503(a)(1)];

\* \* \* \* \*

## PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

\* \* \* \* \*

### SEC. 1902. STATE APPLICATIONS.

(a) \* \* \*

\* \* \* \* \*

(e) STATE OFFICE.—[The Office designated under section 507] *The office responsible for the trust fund required by section 507—*

(1) \* \* \*

\* \* \* \* \*

### SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) \* \* \*

\* \* \* \* \*

(d) DEFINITION.—*In this section, the term “jail-based substance abuse treatment program” means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—*

(1) *directed at the substance abuse problems of the prisoners;*  
*and*

*(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.*

\* \* \*

**[PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN]**

***PART T—GRANTS TO COMBAT VIOLENT  
CRIMES AGAINST WOMEN***

**SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.**

(a) \* \* \*

(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women *to develop and strengthen victim services in cases involving violent crimes against women*, and specifically, for the purposes of—

(1) \* \* \*

\* \* \*

**SEC. [2002.] 2007. STATE GRANTS.**

(a) **GENERAL GRANTS.**—The Attorney General may make grants [to States, for use by States, State and local courts (including juvenile courts), units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments] for the purposes described in section 2001(b).

(b) **AMOUNTS.**—Of the amounts appropriated for the purposes of this part—

(1) \* \* \*

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to  $\left[\frac{1}{54}\right] \frac{1}{53}$  of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to  $\left[\frac{1}{54}\right] \frac{1}{53}$  of the total amount made available under this paragraph for each fiscal year;

(4)  $\frac{1}{54}$  shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions [in Indian country];

\* \* \*

(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

(1) \* \* \*

\* \* \* \* \*

(3) of the amount granted—

(A) not less than 25 percent shall be allocated to [police] *law enforcement* and not less than 25 percent shall be allocated to prosecutors;

\* \* \* \* \*

(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application *submitted by a State* shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). [An application] *In addition, each application submitted by a State or tribal government shall include—*

(1) \* \* \*

\* \* \* \* \*

#### SEC. [2003.] 2008. DEFINITIONS.

In this part—

(1) the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

\* \* \* \* \*

#### SEC. [2004.] 2009. GENERAL TERMS AND CONDITIONS.

(a) \* \* \*

(b) REPORTING.—[Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit] *Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit* to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) \* \* \*

\* \* \* \* \*

#### SEC. [2005.] 2010. RAPE EXAM PAYMENTS.

(a) \* \* \*

\* \* \* \* \*

(c) USE OF FUNDS.—*A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.*

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

\* \* \* \* \*

**SEC. [2006.] 2011. COSTS FOR CRIMINAL CHARGES AND PROTECTION ORDERS.**

(a) *IN GENERAL.*—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

(1) \* \* \*

\* \* \* \* \*

## PART U—GRANTS TO ENCOURAGE ARREST POLICIES

**SEC. 2101. GRANTS.**

(a) *PURPOSE.*—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government [to treat domestic violence as a serious violation] *to treat domestic violence and sexual assault as serious violations* of criminal law.

(b) *GRANT AUTHORITY.*—The Attorney General may make grants to eligible States, Indian tribal governments, State and local courts (including juvenile courts), or units of local government for the following purposes:

(1) \* \* \*

(2) To develop policies, educational programs, and training in police departments to improve tracking of cases involving [domestic violence and dating violence] *domestic violence, sexual assault, and dating violence*.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for [domestic violence cases] *domestic violence and sexual assault cases* in groups or units of police officers, prosecutors, parole and probation officers, or judges.

\* \* \* \* \*

(5) To strengthen legal advocacy service programs for victims of [domestic violence and dating violence] *domestic violence, sexual assault, and dating violence*, including strengthening assistance to such victims in immigration matters.

(6) To educate judges in criminal and other courts (including juvenile courts) [about domestic violence] *about domestic violence and sexual assault* and to improve judicial handling of such cases.

(d) *DEFINITION.*—[In this section, the term] *In this part—*

(1) *the term “sexual assault” has the meaning given the term in section 2008; and*

(2) the term “protection order” has the meaning given the term in section 2266 of title 18, United States Code.

\* \* \* \* \*

#### **SEC. 2102. APPLICATIONS.**

(a) \* \* \*

(b) **PRIORITY.**—In awarding grants under this part, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence or *sexual assault* by police, prosecutors, and courts;

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence or *sexual assault*, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

\* \* \* \* \*

### **[PART W—FAMILY SUPPORT**

#### **[SEC. 2301. DUTIES.**

[The Attorney General shall—

[(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

[(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

[(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

[(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

[(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

[(6) determine issues to be researched by the Department of Justice and by grant recipients.

#### **[SEC. 2302. GENERAL AUTHORIZATION.**

[The Attorney General may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

#### **[SEC. 2303. USES OF FUNDS.**

[(a) **IN GENERAL.**—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

[(b) **REQUIRED ACTIVITIES.**—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

- [(1) Counseling for law enforcement family members.
- [(2) Child care on a 24-hour basis.
- [(3) Marital and adolescent support groups.
- [(4) Stress reduction programs.
- [(5) Stress education for law enforcement recruits and families.
- [(6) Technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

[(c) **OPTIONAL ACTIVITIES.**—A law enforcement agency or organization that receives funds under this part may provide the following services:

- [(1) Post-shooting debriefing for officers and their spouses.
- [(2) Group therapy.
- [(3) Hypertension clinics.
- [(4) Critical incident response on a 24-hour basis.
- [(5) Law enforcement family crisis telephone services on a 24-hour basis.
- [(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.
- [(7) Counseling for peers.
- [(8) Counseling for families of personnel killed in the line of duty.
- [(9) Seminars regarding alcohol, drug use, gambling, and overeating.
- [(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

**[SEC. 2304. APPLICATIONS.**

[A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Attorney General an application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require. Such application shall—

- [(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;
- [(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and
- [(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

**[SEC. 2305. AWARD OF GRANTS; LIMITATION.**

[(a) **GRANT DISTRIBUTION.**—In approving grants under this part, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

[(b) **DURATION.**—The Attorney General may award a grant each fiscal year, not to exceed \$100,000 to a State or local law enforcement agency or \$250,000 to a law enforcement organization for a

period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

[(c) LIMITATION.—Not more than 5 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

**[SEC. 2306. DISCRETIONARY RESEARCH GRANTS.**

[The Attorney General may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.

**[SEC. 2307. REPORTS.**

[A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Attorney General an annual report that includes—

- [(1) program descriptions;
- [(2) the number of staff employed to administer programs;
- [(3) the number of individuals who participated in programs;
- and
- [(4) an evaluation of the effectiveness of grant programs.

**[SEC. 2308. DEFINITIONS.**

[For purposes of this part—

- [(1) the term “family-friendly policy” means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and
- [(2) the term “law enforcement personnel” means individuals employed by Federal, State, and local law enforcement agencies.]

\* \* \* \* \*

## **[PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY**

**[SEC. 2701. PROGRAM AUTHORIZED.**

[(a) IN GENERAL.—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

[(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

- [(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

[(2) Security assessments.

[(3) Security training of personnel and students.

[(4) Coordination with local law enforcement.

[(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

[(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

[(d) MATCHING FUNDS.—

[(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

[(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

[(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

[(e) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

[(f) ADMINISTRATIVE COSTS.—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

#### **[SEC. 2702. APPLICATIONS.**

[(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

[(1) include a detailed explanation of—

[(A) the intended uses of funds provided under the grant; and

[(B) how the activities funded under the grant will meet the purpose of this part; and

[(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

[(A) consistent with a comprehensive approach to preventing school violence; and

[(B) individualized to the needs of each school at which those improvements are to be made.

[(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information

that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

**[SEC. 2703. ANNUAL REPORT TO CONGRESS.**

[Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

**[SEC. 2704. DEFINITIONS.**

[For purposes of this part—

[(1) the term “school” means a public elementary or secondary school;

[(2) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

[(3) the term “Indian tribe” has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

**[SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this part \$30,000,000 for each of fiscal years 2001 through 2003.]

\* \* \* \* \*

## PART EE—DRUG COURTS

**SEC. 2951. GRANT AUTHORITY.**

(a) **IN GENERAL.**—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over [offenders with substance abuse problems] *offenders, and other individuals under the jurisdiction of the court, with substance abuse problems* who are not violent offenders;

\* \* \* \* \*

**SEC. 2953. DEFINITION.**

(a) \* \* \*

(b) **DEFINITION FOR PURPOSES OF JUVENILE DRUG COURTS.**—For purposes of juvenile drug courts, the term “violent offender” means a juvenile who has been convicted of, or adjudicated delinquent for, [an offense that] *a felony-level offense that—*

(1) \* \* \*

\* \* \* \* \*

**SEC. 2957. DISTRIBUTION AND ALLOCATION.**

(a) \* \* \*

[(b) **MINIMUM ALLOCATION.**—Unless all eligible applications submitted by any State or unit of local government within such State

for a grant under this part have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this part not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this part.】

(b) *TECHNICAL ASSISTANCE AND TRAINING.*—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.

\* \* \* \* \*

## ANTI CAR THEFT ACT OF 1992

# TITLE I—TOUGHER LAW ENFORCEMENT AGAINST AUTO THEFT

\* \* \* \* \*

## [Subtitle B—Targeted Law Enforcement

### [SEC. 130. GRANT AUTHORIZATION.

【(a) PURPOSE.—The purpose of this subtitle is to supplement the provisions of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to help the States to curb motor vehicle thefts and the related violence.

【(b) GRANTS.—The Director of the Bureau of Justice Assistance shall make grants to Anti Car Theft Committees submitting applications in compliance with the requirements of this subtitle.

### [SEC. 131. APPLICATION.

【(a) SUBMISSION.—To be eligible to receive a grant under this subtitle, a chief executive of an Anti Car Theft Committee shall submit an application to the Director of the Bureau of Justice Assistance.

【(b) CONTENT.—The application submitted under subsection (a) shall include the following:

【(1) A statement that the applicant Anti Car Theft Committee is either a State agency or an agency of a unit of local government.

【(2) A statement that the applicant Anti Car Theft Committee is or will be financed in part (A) by a fee on motor vehicles registered by the State or possessed or insured within the State (and that such fee is not less than \$1 per vehicle), or (B) in the same manner and to the same extent as is a similar program financed and implemented in a State like Michigan.

【(3) An assurance that Federal funds received under a grant under this subtitle shall be used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under such grant.

[(4) A statement that the resources of the applicant Anti Car Theft Committee will be devoted entirely to combating motor vehicle theft, including any or all of the following:

[(A) Financing law enforcement officers or investigators whose duties are entirely or primarily related to investigating cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

[(B) Financing prosecutors whose duties are entirely or primarily related to prosecuting cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

[(C) Motor vehicle theft prevention programs, including vehicle identification number etching programs, programs implemented by law enforcement agencies and designed to enable the electronic tracking of stolen automobiles, and programs designed to prevent the export of stolen vehicles.

[(5) A description of the budget for the applicant Anti Car Theft Committee for the fiscal year for which a grant is sought.

**[SEC. 132. AWARD OF GRANTS.**

[(a) IN GENERAL.—The Director shall allocate to each State a proportion of the total funds available under this subtitle that is equal to the proportion of the number of motor vehicles registered in such State to the total number of motor vehicles registered in the United States. The Director shall ensure that all applicant States have an opportunity to receive grants from an available appropriation. Any State that has not met the requirements described in section 203 of this Act shall be excluded from any allocation under this subsection.

[(b) GRANT AMOUNTS.—If one Anti Car Theft Committee within a State submits an application in compliance with section 131, the Director shall award to such Anti Car Theft Committee a grant equal to the total amount of funds allocated to such State under this section. In no case shall the Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee.

[(c) MULTIPLE COMMITTEES.—If two or more Anti Car Theft Committees within a State submit applications in compliance with section 131, the Director shall award to such Anti Car Theft Committees grants that in sum are equal to the total amount of funds allocated to such State under this section. In no case shall an Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee. The Director shall allocate funds among two or more Anti Car Theft Committees with a State according to the proportion of the preaward budget of each Anti Car Theft Committee to the total preaward budget for all grant recipient Anti Car Theft Committees within such State.

[(d) RENEWAL OF GRANTS.—Subject to the availability of funds, a grant under this subtitle may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives an initial grant under this subtitle if the Director determines that the funds made available to the recipient during the previous year were used in the manner required under the approved application.

**[SEC. 133. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$10,000,000 to carry out this subtitle for each of the fiscal years 1993, 1994, and 1995.]

\* \* \* \* \*

## SECTION 102 OF THE CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998

**SEC. 102. STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.**

(a) \* \* \*

\* \* \* \* \*

(c) ASSURANCES.—

(1) \* \* \*

(2) INFORMATION SHARING.—Such assurances shall include a provision that ensures that a statewide strategy for information sharing systems is underway, or will be initiated, to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. The strategy shall be prepared after consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and shall contain—

(A) \* \* \*

\* \* \* \* \*

(G) a plan for coordinating the programs funded under this title with other federally funded information technology programs, including directly funded local programs [such as the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) and the M.O.R.E. program] *such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program* established pursuant to part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

\* \* \* \* \*

## SECTION 3 OF THE PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2001

**SEC. 3. MEDAL OF VALOR BOARD.**

(a) \* \* \*

\* \* \* \* \*

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal of Valor Office. Not more often than once each

year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may not select **[more than 5 recipients]** *more than 5 individuals, or groups of individuals, as recipients*. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this Act.

\* \* \* \* \*

## SECTION 609M OF THE JUSTICE ASSISTANCE ACT OF 1984

SEC. 609M. (a) \* \* \*

(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with **[the Director of the Office of Justice Assistance]** *the Assistant Attorney General for the Office of Justice Programs* and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

\* \* \* \* \*

## VICTIMS OF CRIME ACT OF 1984

### CHAPTER XIV—VICTIM COMPENSATION AND ASSISTANCE

SEC. 1401. This chapter may be cited as the “Victims of Crime Act of 1984”.

#### CRIME VICTIMS FUND

SEC. 1402. (a) \* \* \*

(b) Except as limited by subsection (c), there shall be deposited in the Fund—

(1) \* \* \*

\* \* \* \* \*

(5) any gifts, bequests, or donations to the Fund from private entities or individuals**[.]**, *which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—*

(A) *attaches conditions inconsistent with applicable laws or regulations; or*

(B) *is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.*

\* \* \* \* \*

(d) The Fund shall be available as follows:

(2) \* \* \*

\* \* \* \* \*

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to \$50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts **[expended]** *obligated* from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed \$50,000,000.

\* \* \* \* \*

(g)(1) The Attorney General~~],~~ acting through the Director, shall use 15 percent of the funds available under subsection (d)(2) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

(A) \* \* \*

\* \* \* \* \*

(2) *The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.*

**[(2)]** (3) As used in this subsection, the term “tribe” has the meaning given that term in section 4(b) of the Indian Self-Determination and Education Assistance Act.

#### CRIME VICTIM COMPENSATION

SEC. 1403. (a)(1) \* \* \*

\* \* \* \* \*

(3) Not more than 5 percent of a grant made under this section may be used for *training purposes and* the administration of the State crime victim compensation program receiving the grant.

\* \* \* \* \*

#### CRIME VICTIM ASSISTANCE

SEC. 1404. (a) \* \* \*

(b)(1) \* \* \*

\* \* \* \* \*

(3) Not more than 5 percent of sums received under subsection (a) may be used for *training purposes and* the administration of the State crime victim assistance program receiving such sums.

(c)(1) The Director~~],~~ shall make grants—

(A) for demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs; **[and]**

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs~~],~~ and

(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

(2) Of the amount available for grants under this subsection—

(A) not less than 50 percent shall be used for grants under [paragraph (1)(A); and] paragraphs (1)(A) and (1)(C);

(B) not more than 50 percent shall be used for grants under paragraph (1)(B)[.]; and

(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).

\* \* \* \* \*

## 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

(Public Law 107–273)

\* \* \* \* \*

## DIVISION A—21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

\* \* \* \* \*

## TITLE II—PERMANENT ENABLING PROVISIONS

\* \* \* \* \*

### SEC. 204. TECHNICAL AND MISCELLANEOUS AMENDMENTS TO DEPARTMENT OF JUSTICE AUTHORITIES; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE; RECORD-KEEPING; PROTECTION OF THE ATTORNEY GENERAL.

(a) \* \* \*

\* \* \* \* \*

(f) No compensation or reimbursement paid [pursuant to section 501(a)] pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a) of Public Law 99–603 (100 Stat. 3443) or section 241(i) of the Act of June 27, 1952 (ch. 477) shall be subject to [section 6503(d)] sections 3335(b) or 6503(d) of title 31, United States Code, and no funds available to the Attorney General may be used to pay any assessment made pursuant to such [section 6503] sections 3335(b) or 6503 with respect to any such compensation or reimbursement.

\* \* \* \* \*

## TITLE IV—VIOLENCE AGAINST WOMEN

\* \* \* \* \*

### SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) \* \* \*

(2) by redesignating sections 2002 through 2006 [as sections 2006 through 2011, respectively] *as sections 2007 through 2011, respectively*; and

\* \* \* \* \*

## DIVISION C—IMPROVEMENTS TO CRIMINAL JUSTICE, CIVIL JUSTICE, IMMIGRATION, JUVENILE JUSTICE, AND INTELLECTUAL PROPERTY AND ANTI-TRUST LAWS

### TITLE I—CRIMINAL JUSTICE, CIVIL JUSTICE, AND IMMIGRATION

#### Subtitle A—General Improvements

\* \* \* \* \*

### SEC. 11013. DEBT COLLECTION IMPROVEMENT.

(a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund up to [3 percent] *6 percent* of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used first, for paying the costs of processing and tracking civil and criminal debt-collection litigation, and, thereafter, for financial systems and for debt-collection-related personnel, administrative, and litigation expenses.

\* \* \* \* \*

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## VIOLENCE AGAINST WOMEN ACT OF 1994

(Public Law 103–322)

## TITLE IV—VIOLENCE AGAINST WOMEN

This title may be cited as the “Violence Against Women Act of 1994”.

## Subtitle A—Safe Streets for Women

\* \* \* \* \*

### CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

\* \* \* \* \*

#### [SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

[(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

[(2) by inserting after section 315 the following new section:

“[GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

“SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

“(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) \$7,000,000 for fiscal year 1996;

[(2) \$8,000,000 for fiscal year 1997; and

[(3) \$15,000,000 for fiscal year 1998.

“(d) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘street-based outreach and education’ includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

“(2) the term ‘street youth’ means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.”.]

\* \* \* \* \*

## Subtitle B—Safe Homes for Women

\* \* \* \* \*

### CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

#### SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants [to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States] *to States, In-*

*dian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities—*

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of **domestic violence and dating violence** (as defined in section 2003) *domestic violence, sexual assault, and dating violence* (as such terms are defined in section 2008 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2)) and child abuse;

(2) to provide treatment, counseling, and assistance to victims of **domestic violence and dating violence** (as defined in section 2003) *domestic violence, sexual assault, and dating violence* (as such terms are defined in section 2008 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2)) and child abuse, including in immigration matters; and

\* \* \* \* \*

(b) DEFINITIONS.—In this section—

(1) *the term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.*

**“rural State” has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).** *Indians; and*

(2) *the terms “rural area” and “rural community” have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).*

\* \* \* \* \*

## Subtitle F—National Stalker and Domestic Violence Reduction

\* \* \* \* \*

### SEC. 40610. REPORT TO CONGRESS.

**[(The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides] Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.**

\* \* \* \* \*

---

## SECTION 1301 OF THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

### SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) \* \* \*

\* \* \* \* \*

(d) REPORTING.—

(1) IN GENERAL.—[Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,] *Not later than one month after the end of each even-numbered fiscal year*, the Attorney General shall submit to Congress a report that includes information concerning—

(A) \* \* \*

\* \* \* \* \*

## TITLE 28, UNITED STATES CODE

\* \* \* \* \*

## PART II—DEPARTMENT OF JUSTICE

\* \* \* \* \*

## CHAPTER 31—THE ATTORNEY GENERAL

\* \* \* \* \*

### § 530C. Authority to use available funds

(a) \* \* \*

(b) PERMITTED USES.—

(1) \* \* \*

(2) SPECIFIC PERMITTED USES.—

(A) AIRCRAFT AND BOATS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, *for the Bureau of Alcohol, Tobacco, Firearms, and Explosives*, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, *for the Bureau of Alcohol, Tobacco, Firearms, and Explosives*, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

(i) \* \* \*

\* \* \* \* \*

(8) *BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.*

\* \* \* \* \*

## CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.

531. Federal Bureau of Investigation.

\* \* \* \* \*

540C. FBI police.

**[540C.] 540D.** Annual report on activities of Federal Bureau of Investigation personnel outside the United States.

\* \* \* \* \*

### **[§ 540C.] § 540D. Annual report on activities of Federal Bureau of Investigation personnel outside the United States**

(a) \* \* \*

(b) The report under subsection (a) shall include the following:

(1) For the year preceding the year in which the report is required to be submitted—

(A) the number of personnel of the Bureau posted or detailed outside the United States during the year *and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note);*

\* \* \* \* \*

## VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

\* \* \* \* \*

## TITLE III—CRIME PREVENTION

\* \* \* \* \*

### **[Subtitle B—Local Crime Prevention Block Grant Program**

**[SEC. 30201. PAYMENTS TO LOCAL GOVERNMENTS.**

**[(a) PAYMENT AND USE.—**

**[(1) PAYMENT.—**The Attorney General, shall pay to each unit of general local government which qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to the government under this subtitle for each payment period. The Attorney General shall pay such amount from amounts appropriated under section 30202.

[(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more of the following purposes:

[(A) Education, training, research, prevention, diversion, treatment, and rehabilitation programs to prevent juvenile violence, juvenile gangs, and the use and sale of illegal drugs by juveniles.

[(B) Programs to prevent crimes against the elderly based on the concepts of the Triad model.

[(C) Programs that prevent young children from becoming gang involved, including the award of grants or contracts to community-based service providers that have a proven track record of providing services to children ages 5 to 18.

[(D) Saturation jobs programs, offered either separately or in conjunction with the services provided for under the Youth Fair Chance Program, that provide employment opportunities leading to permanent unsubsidized employment for disadvantaged young adults 16 through 25 years of age.

[(E) Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

[(F) Supervised sports and recreation programs, including Olympic Youth Development Centers established in cooperation with the United States Olympic Committee, that are offered—

[(i) after school and on weekends and holidays, during the school year; and

[(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months.

[(G) Prevention and enforcement programs to reduce—

[(i) the formation or continuation of juvenile gangs; and

[(ii) the use and sale of illegal drugs by juveniles.

[(H) Youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence.

[(I) Award of grants or contracts to the Boys and Girls Clubs of America, a national nonprofit youth organization, to establish Boys and Girls Clubs in public housing.

[(J) Supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them and for children whose parents are separated or divorced and the children are at risk because—

[(i) there is documented sexual, physical, or emotional abuse as determined by a court of competent jurisdiction;

[(ii) there is suspected or elevated risk of sexual, physical, or emotional abuse, or there have been threats of parental abduction of the child;

[(iii) due to domestic violence, there is an ongoing risk of harm to a parent or child;

[(iv) a parent is impaired because of substance abuse or mental illness;

[(v) there are allegations that a child is at risk for any of the reasons stated in clauses (i), (ii), (iii), and (iv), pending an investigation of the allegations; or

[(vi) other circumstances, as determined by a court of competent jurisdiction, point to the existence of such a risk.

[(K) Family Outreach Teams which provide a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area.

[(L) To establish corridors of safety for senior citizens by increasing the numbers, presence, and watchfulness of law enforcement officers, community groups, and business owners and employees.

[(M) Teams or units involving both specially trained law enforcement professionals and child or family services professionals that on a 24-hour basis respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim.

[(N) Dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

[(b) TIMING OF PAYMENTS.—The Attorney General shall pay each amount allocated under this subtitle to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period if the unit of general local government has provided the Attorney General with the assurances required by section 30203(d).

[(c) ADJUSTMENTS.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this subtitle to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

[(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a unit of general local government only if the Attorney General determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

[(d) RESERVATION FOR ADJUSTMENTS.—The Attorney General may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts

to pay adjustments after the final allocation of amounts among the units of general local government in the State.

**[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—**

**[(1) REPAYMENT REQUIRED.—**A unit of general local government shall repay to the Attorney General, by not later than 15 months after receipt from the Attorney General, any amount that is—

**[(A)** paid to the unit from amounts appropriated under the authority of this section; and

**[(B)** not expended by the unit within one year after receipt from the Attorney General.

**[(2) PENALTY FOR FAILURE TO REPAY.—**If the amount required to be repaid is not repaid, the Attorney General shall reduce payments in future payment periods accordingly.

**[(3) DEPOSIT OF AMOUNTS REPAID.—**Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to units of general local government.

**[(f) NONSUPPLANTING REQUIREMENT.—**Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

**[SEC. 30202. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to carry out this subtitle—

**[(1)** \$75,940,000 for fiscal year 1996;

**[(2)** \$75,940,000 for fiscal year 1997;

**[(3)** \$75,940,000 for fiscal year 1998;

**[(4)** \$75,940,000 for fiscal year 1999; and

**[(5)** \$73,240,000 for fiscal year 2000.

Such sums are to remain available until expended.

**[(b) ADMINISTRATIVE COSTS.—**Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Attorney General in furtherance of the purposes of the program. Such sums are to remain available until expended.

**[SEC. 30203. QUALIFICATION FOR PAYMENT.**

**[(a) IN GENERAL.—**The Attorney General shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Attorney General of the units' proposed use of assistance under this subtitle.

**[(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—**A unit of general local government qualifies for a payment under this subtitle for a payment period only after establishing to the satisfaction of the Attorney General that—

**[(1)** the government will establish a trust fund in which the government will deposit all payments received under this subtitle;

**[(2)** the government will use amounts in the trust fund (including interest) during a reasonable period;

[(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

[(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

[(5) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General. As applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

[(6) after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

[(7) the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

[(8) the government will spend the funds only for the purposes set forth in section 30201(a)(2).

[(c) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

[(d) SANCTIONS FOR NONCOMPLIANCE.—

[(1) IN GENERAL.—If the Attorney General decides that a unit of general local government has not complied substantially with subsection (b) or regulations prescribed under subsection (b), the Attorney General shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold additional payments to the government for the current payment period and later payment periods until the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a unit of general local government notified under paragraph (1) only if the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

**[SEC. 30204. ALLOCATION AND DISTRIBUTION OF FUNDS.]**

[(a) STATE DISTRIBUTION.—For each payment period, the Attorney General shall allocate out of the amount appropriated for the period under the authority of section 30202—

[(1) 0.25 percent to each State; and

[(2) of the total amount of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

[(b) LOCAL DISTRIBUTION.—(1) The Attorney General shall allocate among the units of general local government in a State the amount allocated to the State under paragraphs (1) and (2) of subsection (a).

[(2) The Attorney General shall allocate to each unit of general local government an amount which bears the ratio that the number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all units in the State in which the unit is located to the Federal Bureau of Investigation for 1993 multiplied by the ratio of the population living in all units in the State in which the unit is located that reported part 1 violent crimes to the Federal Bureau of Investigation for 1993 bears to the population of the State; or if such data are not available for a unit, the ratio that the population of such unit bears to the population of all units in the State in which the unit is located for which data are not available multiplied by the ratio of the population living in units in the State in which the unit is located for which data are not available bears to the population of the State.

[(3) If under paragraph (2) a unit is allotted less than \$5,000 for the payment period, the amount allotted shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

[(4) If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall allocate to this newly incorporated local government, out of the amount allocated to the State under this section, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this subtitle.

**[SEC. 30205. UTILIZATION OF PRIVATE SECTOR.**

【Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the uses specified under section 30201(a)(2).】

**[SEC. 30206. PUBLIC PARTICIPATION.**

【A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.】

**[SEC. 30207. ADMINISTRATIVE PROVISIONS.**

【The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to the Attorney General for purposes of carrying out this subtitle.】

**[SEC. 30208. DEFINITIONS.**

【For purposes of this subtitle:

【(1) The term “unit of general local government” means—

【(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

【(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.】

【(2) The term “payment period” means each 1-year period beginning on October 1 of the years 1995 through 2000.】

【(3) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for purposes of section 30204(a), 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.】

【(4) The term “children” means persons who are not younger than 5 and not older than 18 years old.】

【(5) The term “part 1 violent crimes” means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.】

\* \* \* \* \*

## **[Subtitle G—Assistance for Delinquent and At-Risk Youth**

### **[SEC. 30701. GRANT AUTHORITY.**

#### **[(a) GRANTS.—**

**[(1) IN GENERAL.—**In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

**[(A)** have dropped out of school;

**[(B)** have come into contact with the juvenile justice system; or

**[(C)** are at risk of dropping out of school or coming into contact with the juvenile justice system.

**[(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—**The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

**[(3) SERVICES.—**Such services shall include activities designed to—

**[(A)** increase the self-esteem of such youth;

**[(B)** assist such youth in making healthy and responsible choices;

**[(C)** improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

**[(D)** provide such youth with vocational and life skills.

#### **[(b) APPLICATIONS.—**

**[(1) IN GENERAL.—**A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

**[(2) CONTENTS.—**An application under paragraph (1) shall include—

**[(A)** a description of the program developed by the applicant, including the activities to be offered;

**[(B)** a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

**[(C)** evidence that such program—

**[(i)** will be carried out in facilities which meet applicable State and local laws with regard to safety;

**[(ii)** will include academic instruction, approved by the State, Indian tribal government, or local educational agency, which meets or exceeds State, Indian tribal government, and local standards and curricular requirements; and

**[(iii)** will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

**[(D)** specific, measurable outcomes for youth served by the program.

[(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

[(1) approve each application and disburse the funding for each such application; or

[(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

[(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

[(e) DEFINITIONS.—In this subtitle—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

#### [SEC. 30702. AUTHORIZATION OF APPROPRIATIONS.

["There are authorized to be appropriated for grants under section 30701—

[(1) \$5,400,000 for fiscal year 1996;

[(2) \$6,300,000 for fiscal year 1997;

[(3) \$7,200,000 for fiscal year 1998;

[(4) \$8,100,000 for fiscal year 1999; and

[(5) \$9,000,000 for fiscal year 2000.]

\* \* \* \* \*

## TITLE XVII—CRIMES AGAINST CHILDREN

### Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

#### SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs that require—

(A) \* \* \*

(B) a person who is a sexually violent predator to register a current address [unless such requirement is terminated under] *for the time period specified in* subparagraph (B) of subsection (b)(6).

\* \* \* \* \*

## TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

\* \* \* \* \*

### Subtitle C—DNA Identification

\* \* \* \* \*

#### SEC. 210304. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.

(a) ESTABLISHMENT OF INDEX.—The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons *arrested for or convicted of crimes*;

\* \* \* \* \*

(3) analyses of DNA samples recovered from unidentified human remains; **[and]**

(4) analyses of DNA samples voluntarily contributed from relatives of missing persons**[.]**; *and*

(5) *analyses of DNA samples from other persons, as authorized under the laws of the jurisdiction in which the samples were collected.*

\* \* \* \* \*

### **[Subtitle E—Improved Training and Technical Automation**

#### **[SEC. 210501. IMPROVED TRAINING AND TECHNICAL AUTOMATION.**

**[(a) GRANTS.—**

**[(1) IN GENERAL.—**The Attorney General shall, subject to the availability of appropriations, make grants to State, Indian tribal, and local criminal justice agencies and to nonprofit organizations for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements.

**[(2) TYPES OF PROGRAMS.—**Grants under this section may include programs to—

**[(A)** increase use of mobile digital terminals;

**[(B)** improve communications systems, such as computer-aided dispatch and incident reporting systems;

**[(C)** accomplish paper-flow reduction;

**[(D)** establish or improve ballistics identification programs;

**[(E)** increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis; and

**[(F)** improve computerized collection of criminal records.

**[(3) FUNDING.—**No funds under this subtitle may be used to implement any cryptographic or digital telephony programs.

**[(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—**

[(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

[(A) expand and improve investigative and managerial training courses for State, Indian tribal, and local law enforcement agencies; and

[(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

[(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

[(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

[(1) to carry out subsection (a)—

[(A) \$10,000,000 for fiscal year 1996;

[(B) \$20,000,000 for fiscal year 1997;

[(C) \$23,000,000 for fiscal year 1998;

[(D) \$23,000,000 for fiscal year 1999; and

[(E) \$24,000,000 for fiscal year 2000.

[(2) to carry out subsection (b)(1)—

[(A) \$4,000,000 for fiscal year 1996;

[(B) \$2,000,000 for fiscal year 1997;

[(C) \$3,000,000 for fiscal year 1998;

[(D) \$5,000,000 for fiscal year 1999; and

[(E) \$6,000,000 for fiscal year 2000; and

[(3) to carry out subsection (b)(2)—

[\$10,000,000 for fiscal year 1996.

[(d) DEFINITIONS.—In this section—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

## **[Subtitle F—Other State and Local Aid**

**[SEC. 210601. REAUTHORIZATION OF OFFICE OF JUSTICE PROGRAMS.**

[Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

[(1) in paragraph (1) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(2) in paragraph (2) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(3) in paragraph (3) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(4) in paragraph (5) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(5) in paragraph (6) by inserting “and 1995” after “1994”;

[(6) in paragraph (7) by striking “1991, 1992, 1993, and 1994,” and inserting “1994 and 1995”;

[(7) in paragraph (8) by inserting “and 1995” after “1994”; and

[(8) in paragraph (9) by inserting “and 1995” after “1994”.

**[SEC. 210602. FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.**

[(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

[(b) APPLICATIONS.—In carrying out this section, the Attorney General may make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Attorney General shall have final authority over all funds awarded under this section.

[(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) \$23,000,000 for fiscal year 1996;

[(2) \$30,000,000 for fiscal year 1997;

[(3) \$30,000,000 for fiscal year 1998;

[(4) \$32,000,000 for fiscal year 1999; and

[(5) \$35,000,000 for fiscal year 2000,

to remain available for obligation until expended.

**[SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993.**

[(a) APPROPRIATIONS.—Of the amounts authorized in Sections 103(k) and 106(b)(2) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) and in section 4(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)), a total of \$100,000,000 for fiscal year 1995, \$25,000,000 for fiscal year 1996, and \$25,000,000 for fiscal year 1997 may be appropriated from the Violent Crime Reduction Trust Fund established by this Act.

[(b) TECHNICAL AMENDMENT.—Sections 103(k) and 106(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) are

each amended by striking “, which may be appropriated from the Violent Crime Reduction Trust Fund,”.]

\* \* \* \* \*

## TITLE 18, UNITED STATES CODE

\* \* \* \* \*

### PART I—CRIMES

\* \* \* \* \*

#### CHAPTER 77—PEONAGE AND SLAVERY

\* \* \* \* \*

#### § 1591. Sex trafficking of children or by force, fraud, or coercion

(a) \* \* \*

\* \* \* \* \*

#### CHAPTER 95—RACKETEERING

\* \* \* \* \*

#### § 1960. Prohibition of unlicensed money transmitting businesses

(a) \* \* \*

(b) As used in this section—

(1) the term “unlicensed money transmitting business” means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

(A) \* \* \*

\* \* \* \* \*

(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used [to be used] to promote or support unlawful activity;

\* \* \* \* \*

#### CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

\* \* \* \* \*

#### § 2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction

for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) \* \* \*

\* \* \* \* \*

(q) any criminal violation of section 229 (relating to chemical weapons) [; or sections] *or section* 2332, 2332a, 2332b, 2332d, 2332f, 2339A, 2339B, or 2339C of this title (relating to terrorism); or

\* \* \* \* \*

## CHAPTER 121—STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS

\* \* \* \* \*

### §2703. Required disclosure of customer communications or records

(a) **[CONTENTS OF WIRE OR ELECTRONIC]** *CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN ELECTRONIC STORAGE.*—A governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant. A governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

(b) **[CONTENTS OF WIRE OR ELECTRONIC]** *CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.*—(1) \* \* \*

\* \* \* \* \*

(c) **RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE.**—(1) A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity—

(A) \* \* \*

\* \* \* \* \*

(C) has the consent of the subscriber or customer to such disclosure; **[or]**

\* \* \* \* \*

## PART II—CRIMINAL PROCEDURE

\* \* \* \* \*

### CHAPTER 203—ARREST AND COMMITMENT

- Sec.  
3041. Power of courts and magistrates.  
\* \* \* \* \*
3051. *Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.*  
\* \* \* \* \*

## PART III—PRISONS AND PRISONERS

\* \* \* \* \*

### CHAPTER 301—GENERAL PROVISIONS

\* \* \* \* \*

#### § 4006. Subsistence for prisoners

(a) \* \* \*

(b) HEALTH CARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service, the Federal Bureau of Investigation and [the Immigration and Naturalization Service shall not exceed the lesser of the amount] *the Department of Homeland Security shall be the amount billed, not to exceed the amount* that would be paid for the provision of similar health care [items and services under—

[(A) the Medicare program] *items and services under the Medicare program* under title XVIII of the Social Security Act[; or

[(B) the Medicaid program under title XIX of such Act of the State in which the services were provided.].

\* \* \* \* \*

## SECTION 322 OF THE UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001

(Public Law 107–56)

#### SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of [title 18] *title 28*, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

“(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.”.

**SECTION 2 OF THE DNA ANALYSIS BACKLOG  
ELIMINATION ACT OF 2000**

**SEC. 2. AUTHORIZATION OF GRANTS.**

(a) \* \* \*

(b) **ELIGIBILITY.**—For a State to be eligible to receive a grant under this section, the chief executive officer of the State shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall—

(1) \* \* \*

\* \* \* \* \*

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses, *provided that each violent felony under the law of that State shall be treated for purposes of this section as a qualifying State offense*;

(4) specify the allocation that the State shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2); **[and]**

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3) **[.]**; *and*

(6) *include a certification that the State does not, by statute, rule, or regulation, prohibit or limit the comparison by a law enforcement officer of (A) the results of a DNA analysis carried out on a DNA sample lawfully obtained by such officer with (B) the information in such Combined DNA Index System.*

\* \* \* \* \*

(j) **AUTHORIZATION OF APPROPRIATIONS.**—Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) as follows:

(1) For grants for the purposes specified in paragraph (1) of such subsection—

(A) \* \* \*

(B) \$15,000,000 for fiscal year 2002; **[and]**

(C) \$15,000,000 for fiscal year 2003 **[.]**; *and*

(D) *such sums as many be necessary for fiscal years after fiscal year 2003.*

(2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—

(A) \* \* \*

\* \* \* \* \*

(C) \$25,000,000 for fiscal year 2003; **[and]**

(D) \$25,000,000 for fiscal year 2004 **[.]**; *and*

(E) *such sums as many be necessary for fiscal years after fiscal year 2004.*

**MARKUP TRANSCRIPT**

Chairman SENSENBRENNER. Now, pursuant to notice, I call up the bill H.R. 3036, to authorize appropriations for the Department

of Justice for fiscal year 2004 through 2006, for purposes of mark-up and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point.

[H.R. 3036 follows:]

#### H.R. 3036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2004.

Sec. 102. Authorization of appropriations for fiscal year 2005.

Sec. 103. Authorization of appropriations for fiscal year 2006.

#### TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

##### Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.

Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.

Sec. 203. Congressional medal and plaque for public safety officers who responded to the attacks on the United States on September 11, 2001.

Sec. 204. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.

Sec. 205. Clarification of uses for regional information sharing system grants.

Sec. 206. Integrity and enhancement of national criminal record databases.

##### Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

##### Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.

Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.

Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.

Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.

Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.

Sec. 226. Change of certain reports from annual to biennial.

Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

##### Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.

Sec. 232. Changes to distribution and allocation of grants for drug courts.

Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.

Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

##### Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.

Sec. 242. Coordination duties of Assistant Attorney General.

Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.

Sec. 244. Repeal of certain programs.

Sec. 245. Elimination of certain notice and hearing requirements.

Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.

Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.

Sec. 248. Office of Audit, Assessment, and Management.

Sec. 249. Community Capacity Development Office.

Sec. 250. Office of Applied Law Enforcement Technology.

Sec. 251. Availability of funds for grants.

Sec. 252. Consolidation of financial management systems of Office of Justice Programs.

#### TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments relating to Public Law 107–56.

Sec. 302. Miscellaneous technical amendments.

Sec. 303. Minor substantive amendment relating to contents of FBI annual report.

Sec. 304. Use of Federal training facilities.

Sec. 305. Privacy officer.

Sec. 306. Bankruptcy crimes.

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.

There are authorized to be appropriated for fiscal year 2004, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

- (1) GENERAL ADMINISTRATION.—For General Administration: \$133,772,000.
- (2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$197,420,000 for administration of pardon and clemency petitions and for immigration-related activities.
- (3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$70,000,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.
- (4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$665,346,000, which shall include—
  - (A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;
  - (B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and
  - (C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.
- (5) ANTITRUST DIVISION.—For the Antitrust Division: \$141,898,000.
- (6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,556,784,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of laws prohibiting unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.
- (7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,639,569,000, which shall include—
  - (A) not to exceed \$1,250,000 for construction, to remain available until expended;
  - (B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and
  - (C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.
- (8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$720,806,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.
- (9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,677,214,000.
- (10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,558,743,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.
- (11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$851,987,000.
- (12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,145,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.
- (13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$541,844,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.
- (14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,212,000.
- (15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,526,000.
- (16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,051,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$810,125,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$34,077,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$140,083,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$145,768,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$33,240,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,000,000.

#### SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

There are authorized to be appropriated for fiscal year 2005, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$136,447,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$201,368,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$71,400,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$678,652,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$144,736,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,587,920,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,732,360,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$735,222,000, which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,770,758,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,589,918,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$869,027,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$156,268,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$552,681,000, for expenses not otherwise provided for,

for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,236,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,716,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$23,949,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,272,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$826,327,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$34,758,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$142,885,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$148,683,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$33,904,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,020,000.

#### SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$139,176,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$205,395,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$692,225,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary for administrative expenses in accordance with the Radiation Exposure Compensation Act.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$147,631,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,619,678,000, which shall include not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes, crimes identified in the No Electronic Theft (NET) Act (Public Law 105–147), and violations of law, against unsolicited commercial e-mail: *Provided*, That such amounts in the appropriations account “General Legal Services” as may be expended for such investigations or prosecutions shall count towards this minimum as though expended from this appropriations account.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$4,832,107,000, which shall include—

(A) not to exceed \$1,250,000 for construction, to remain available until expended;

(B) not to exceed \$70,000 to meet unforeseen emergencies of a confidential character; and

(C) such sums as may be necessary to assign employees to the Terrorism Threat Integration Center: *Provided*, That such amounts may only be expended for analyzing intelligence information.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$749,926,000 which shall include not to exceed \$1,371,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: \$4,866,173,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: \$1,621,716,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: \$886,407,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: \$159,393,000 to remain available until expended, which shall include not to exceed \$6,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: \$563,918,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: \$1,260,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: \$9,910,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: \$24,428,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: \$11,497,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: \$842,854,000.

(19) IDENTIFICATION SYSTEMS INTEGRATION.—For expenses necessary for the operation of the Identification System Integration: \$35,453,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: \$145,743,000.

(21) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: \$151,657,000.

(22) LEGAL ACTIVITIES OFFICE AUTOMATIONS.—For necessary expenses related to office automation: \$34,582,000.

(23) COUNTERTERRORISM FUND.—For necessary expenses of the Counterterrorism Fund: \$1,040,000.

## **TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE’S GRANT PROGRAMS**

### **Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies**

#### **SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.**

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

#### **“Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program”;**

(B) by amending section 500 to read as follows:

##### **“SEC. 500. NAME OF PROGRAM.**

“(a) IN GENERAL.—The grant program established under this subpart shall be known as the ‘Edward Byrne Memorial Justice Assistance Grant Program’.

“(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).”; and

(C) by inserting after section 500 the following new sections:

**“SEC. 501. DESCRIPTION.**

“(a) GRANTS AUTHORIZED.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- “(1) Law enforcement programs.
- “(2) Prosecution and court programs.
- “(3) Prevention and education programs.
- “(4) Corrections and community corrections programs.
- “(5) Drug treatment programs.
- “(6) Planning, evaluation, and technology improvement programs.

“(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

- “(1) neighborhood or community-based organizations that are private and nonprofit;
- “(2) units of local government; or
- “(3) tribal governments.

“(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

“(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

“(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

“(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

- “(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- “(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
  - “(A) vehicles, vessels, or aircraft;
  - “(B) luxury items;
  - “(C) real estate;
  - “(D) construction projects (other than penal or correctional institutions);

or

“(E) any similar matters.

“(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

“(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

“(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

**“SEC. 502. APPLICATIONS.**

“To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

“(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

“(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

“(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

- “(A) the application (or amendment) was made public; and
- “(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.
- “(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.
- “(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—
  - “(A) the programs to be funded by the grant meet all the requirements of this subpart;
  - “(B) all the information contained in the application is correct;
  - “(C) there has been appropriate coordination with affected agencies; and
  - “(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

**“SEC. 503. REVIEW OF APPLICATIONS.**

“The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

**“SEC. 504. RULES.**

“The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

**“SEC. 505. FORMULA.**

- “(a) ALLOCATION AMONG STATES.—
  - “(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall allocate—
    - “(A) 50 percent of such amount to each State in amounts that bear the same ratio of—
      - “(i) the total population of a State to—
      - “(ii) the total population of the United States; and
    - “(B) 50 percent of such amount to each State in amounts that bear the same ratio of—
      - “(i) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—
      - “(ii) the average annual number of such crimes reported by all States for such years.
  - “(2) MINIMUM ALLOCATION.—Notwithstanding paragraph (1), no State shall receive less than .25 percent of such total amount for each fiscal year.
- “(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—
  - “(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and
  - “(2) 40 percent shall be for grants to be allocated under subsection (d).
- “(c) ALLOCATION FOR STATE GOVERNMENTS.—
  - “(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—
    - “(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—
    - “(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.
  - “(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.
- “(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—
  - “(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

“(2) ALLOCATIONS FOR CATEGORIES OF LIKE UNITS OF LOCAL GOVERNMENT.—Of the amounts referred to in paragraph (1), each of the four categories of like governmental units (county, city, township, and other) within a State shall be allocated an amount that bears the same ratio of—

“(A) the total expenditures on criminal justice by units of local government in that category within that State in the most recently completed fiscal year to—

“(B) the total expenditures on criminal justice by all units of local government within that State in such year.

“(3) ALLOCATIONS FOR UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated to a category under paragraph (2), each unit of local government in that category within that State shall be allocated an amount that bears the same ratio of—

“(A) the average annual number of part I violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such unit of local government for the three most recent years reported by such unit of local government to—

“(B) the average annual number of such crimes reported by all like governmental units for such years.

“(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

“(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

“(2) ALLOCATIONS UNDER \$10,000.—If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

“(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately-preceding 10 years.

“(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State’s allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part I violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

“(g) SPECIAL RULES FOR PUERTO RICO.—

“(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding subsection (b), of the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to Puerto Rico.

“(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

“(h) DEFINITION.—

“(1) IN GENERAL.—For purposes of this section, the term ‘like governmental unit’ means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes.

“(2) CERTAIN LIKE UNITS REQUIRED.—Notwithstanding paragraph (1), in determining the meaning of such term for purposes of this section—

“(A) all counties (including parishes) shall be treated as like governmental units;

“(B) all cities shall be treated as like governmental units;

“(C) all townships shall be treated as like governmental units; and

“(D) all governmental units of other particular types shall be treated as like governmental units of such types.”.

**“SEC. 506. RESERVED FUNDS.**

“Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

“ (1) \$20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement; and

“ (2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

**“SEC. 507. INTEREST-BEARING TRUST FUNDS.**

“(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

“(b) EXPENDITURES.—

“ (1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

“ (2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

“ (3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

“(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

**“SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this subpart \$1,075,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.”

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking “such as” and all that follows through “the M.O.R.E. program” and inserting “such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program”.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking “pursuant to section 511 or 515” and inserting “pursuant to section 515”;

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking “the program evaluations as required by section 501(c) of this part” and inserting “program evaluations”;

(ii) in subsection (a)(2), by striking “evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part” and inserting “evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part”; and

(iii) in subsection (b)(2), by striking “programs funded under section 506 (formula grants) and section 511 (discretionary grants)” and inserting “programs funded under section 505 (formula grants)”;

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking “section 506” and inserting “section 505”; and

(ii) in subsection (a)(1), by striking “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503” and inserting “an assessment of the impact of such activities on meeting the purposes of subpart 1”;

(D) in section 801 (42 U.S.C. 3782), in subsection (b)(5)—

- (i) by striking “the purposes of section 501 of this title” and inserting “the purposes of such subpart 1”; and
  - (ii) by striking “the application submitted pursuant to section 503 of this title” and inserting “the application submitted pursuant to section 502 of this title”;
  - (E) in section 808 (42 U.S.C. 3789), by striking “the State office described in section 507 or 1408” and inserting “the State office responsible for the trust fund required by section 507, or the State office described in section 1408,”;
  - (F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking “for the purposes of section 506(a)” and inserting “for the purposes of section 505(a)”;
  - (G) in section 1502 (42 U.S.C. 3796bb–1)—
    - (i) in paragraph (1), by striking “section 506(a)” and inserting “section 505(a)”;
    - (ii) in paragraph (2)—
      - (I) by striking “section 503(a)” and inserting “section 502”; and
      - (II) by striking “section 506” and inserting “section 505”;
  - (H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking “The office designated under section 507 of title I” and inserting “The office responsible for the trust fund required by section 507”;
  - (I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking “and reflects consideration of the statewide strategy under section 503(a)(1)”;
  - (J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking “The Office designated under section 507” and inserting “the office responsible for the trust fund required by section 507”.
- (d) **APPLICABILITY.**—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.
- SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.**
- Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking “more than 5 recipients” and inserting “more than 5 individuals, or groups of individuals, as recipients”.
- SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUBLIC SAFETY OFFICERS WHO RESPONDED TO THE ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001.**
- (a) **PURPOSE.**—It is the purpose of this section—
    - (1) to commemorate the sacrifices made and service rendered to the United States by those public safety officers who responded to the attacks on the United States on September 11, 2001; and
    - (2) to honor those public safety officers on the third anniversary of those attacks.
  - (b) **PRESENTATION AUTHORIZED.**—
    - (1) **IN GENERAL.**—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress—
      - (A) to individuals certified by the Attorney General pursuant to subsection (e), a bronze medal 1½ inches in diameter commemorating the service to the United States of those individuals; and
      - (B) to public agencies certified by the Attorney General pursuant to subsection (e), a plaque commemorating the service to the United States of the officers, employees, or agents of those agencies.
    - (2) **DATE.**—The presentation shall be made as close as feasible to the third anniversary of the attacks on the United States on September 11, 2001.
    - (3) **NEXT OF KIN.**—In the case of an individual certified by the Attorney General pursuant to subsection (e), the medal may be accepted by the next of kin of any such individual.
  - (c) **DESIGN AND STRIKING.**—
    - (1) **CONSULTATION.**—The Attorney General shall consult with the Institute of Heraldry of the Department of Defense regarding the design and artistry of the medal and the plaque authorized by this section. The Attorney General may also consider suggestions received by the Department of Justice regarding the design and artistry of the medal and the plaque, including suggestions made by persons not employed by the Department of Justice.
    - (2) **STRIKING.**—After such consultation, the Attorney General shall strike such medals and produce such plaques as may be required to carry out this section.
  - (d) **ELIGIBILITY REQUIREMENTS.**—

## (1) INDIVIDUALS.—

(A) IN GENERAL.—To be eligible to be presented the medal referred to in subsection (b), an individual must have been a public safety officer (as defined in section 5 of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15204))—

(i) who was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(ii) who participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(iii) who died as a result of such participation.

(B) RULE OF CONSTRUCTION.—An individual who was killed in one of the attacks referred to in subparagraph (A)(ii) shall be deemed, for purposes of that subparagraph, to have participated in the response.

(2) AGENCIES.—To be eligible to be presented the plaque referred to in subsection (b), a public agency must have had at least one officer, employee, or agent who is eligible under paragraph (1) or who would be so eligible but for the requirement of subparagraph (A)(iii) of that paragraph.

(3) APPLICATION; DETERMINATION.—To establish the eligibility required by paragraphs (1) or (2), the head of a public agency must present to the Attorney General an application with such supporting documentation as the Attorney General may require to support such eligibility and, in the case of the eligibility of an individual, with information on next of kin. The Attorney General shall determine, through the documentation provided and, if necessary, independent investigation, whether the requirements of paragraphs (1) or (2) have been established.

(e) CERTIFICATION.—The Attorney General shall, within 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of individuals eligible to receive the medal and public agencies eligible to receive the plaque.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 204. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.**

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking “the Director of the Office of Justice Assistance” and inserting “the Assistant Attorney General for the Office of Justice Programs”.

**SEC. 205. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.**

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting “regional” before “information sharing systems”;

(2) by amending paragraph (3) to read as follows:

“(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;”;

(3) by striking “(5)” at the end of paragraph (4).

**SEC. 206. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.**

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: “The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.”;

(2) by amending paragraph (19) of subsection (c) to read as follows:

“(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;”;

(3) in subsection (d)—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following:

“(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.”.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking “particular individual” and inserting “private person or public agency”.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking “Except as provided by Federal law other than this title, no” and inserting “No”.

## **Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime**

### **SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.**

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

#### **“SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.**

“(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

“(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$58,265,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 and 2006, to remain available until expended.

#### **“SEC. 104. WEED AND SEED STRATEGIES.**

“(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

“(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

“(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

“(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

“(B) community revitalization efforts, including enforcement of building codes and development of the economy.

“(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

“(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

“(A) in a voting capacity, representatives of—

“(i) appropriate law enforcement agencies; and

“(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

“(B) in a voting capacity, both—

“(i) the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

“(ii) the United States Attorney for the District encompassing the community;

“(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

“(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

“(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

“(1) the United States Attorney for the District encompassing the community must certify to the Director that—

“(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

“(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

“(C) the steering committee is capable of implementing the strategy appropriately; and

“(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

“(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

“(1) a sustainable Weed and Seed strategy that includes—

“(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

“(B) a significant community-oriented policing component; and

“(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

“(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

“(e) GRANTS.—

“(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

“(2) USES.—For each grant under this subsection, the community receiving that grant—

“(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

“(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

“(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

“(A) for a period of more than 10 fiscal years;

“(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

“(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

“(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

“(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

“(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

“(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

“(B) The requirement of subparagraph (A)—

“(i) may be satisfied in cash or in kind; and

“(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

“(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.”.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

## Subtitle C—Assisting Victims of Crime

### SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after “Director”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new subparagraph:

“(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “paragraph (1)(A)” and inserting “paragraphs (1)(A) and (1)(C)”;

(ii) by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) not more than \$10,000 shall be used for any single grant under paragraph (1)(C).”.

### SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: “, which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

“(A) attaches conditions inconsistent with applicable laws or regulations;

or

“(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.”.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking “expended” and inserting “obligated”.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking “, acting through the Director,”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.”.

**SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.**

(a) **CRIME VICTIM COMPENSATION.**—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

(b) **CRIME VICTIM ASSISTANCE.**—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after “may be used for” the following: “training purposes and”.

**SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.**

(a) **CLARIFICATION OF SPECIFIC PURPOSES.**—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after “violent crimes against women” the following: “to develop and strengthen victim services in cases involving violent crimes against women”.

(b) **TECHNICAL AMENDMENT RELATING TO MISDESIGNATED SECTIONS.**—Section 402(2) of Public Law 107–273 (116 Stat. 1789) is amended by striking “as sections 2006 through 2011, respectively” and inserting “as sections 2007 through 2011, respectively”.

(c) **CLARIFICATION OF STATE GRANTS.**—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as redesignated pursuant to the amendment made by subsection (b), is amended—

(1) in subsection (a), by striking “to States” and all that follows through “tribal governments”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (3), by striking “ $\frac{1}{54}$ ” and inserting “ $\frac{1}{53}$ ”; and

(B) in paragraph (4), by striking “in Indian country”;

(3) in subsection (c)(3)(A), by striking “police” and inserting “law enforcement”; and

(4) in subsection (d)—

(A) in the second sentence, by inserting after “each application” the following: “submitted by a State”; and

(B) in the third sentence, by striking “An application” and inserting “In addition, each application submitted by a State or tribal government”.

(d) **CHANGE FROM ANNUAL TO BIENNIAL REPORTING.**—Section 2009(b) of such Act (42 U.S.C. 3796gg–3), as redesignated pursuant to the amendment made by subsection (b), is amended by striking “Not later than” and all that follows through “the Attorney General shall submit” and inserting the following: “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit”.

(e) **AVAILABILITY OF FORENSIC MEDICAL EXAMS.**—Section 2010 of such Act (42 U.S.C. 3796gg–4), as redesignated pursuant to the amendment made by subsection (b), is amended by adding at the end the following new subsections:

“(c) **USE OF FUNDS.**—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”.

(f) **TECHNICAL AMENDMENT.**—The heading for Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to read as follows:

**“PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN”.**

**SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING ENFORCEMENT OF DOMESTIC VIOLENCE CASES TO ALSO ASSIST ENFORCEMENT OF SEXUAL ASSAULT CASES.**

(a) **GRANTS TO ENCOURAGE DOMESTIC VIOLENCE ARREST POLICIES.**—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking “to treat domestic violence as a serious violation” and inserting “to treat domestic violence and sexual assault as serious violations”;

(2) in subsection (b)—

(A) in each of paragraphs (2) and (5), by striking “domestic violence and dating violence” and inserting “domestic violence, sexual assault, and dating violence”;

(B) in paragraph (3), by striking “domestic violence cases” and inserting “domestic violence and sexual assault cases”; and

(C) in paragraph (6), by striking “about domestic violence” and inserting “about domestic violence and sexual assault”; and

(3) in subsection (d), by striking “In this section, the term” and inserting “In this part—

“(1) the term ‘sexual assault’ has the meaning given the term in section 2008; and

“(2) the term”.

(b) APPLICATIONS.—Section 2102(b) of such Act (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after “involving domestic violence” the following: “or sexual assault”.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.—Section 40295(a) of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971(a)) is amended in each of paragraphs (1) and (2) by striking “domestic violence and dating violence (as defined in section 2003)” and inserting “domestic violence, sexual assault, and dating violence (as such terms are defined in section 2008”.

#### **SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.**

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking “The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides” and inserting “Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides”.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking “Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,” and inserting “Not later than one month after the end of each even-numbered fiscal year,”.

#### **SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS ELIGIBLE FOR GRANTS UNDER RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.**

Section 40295 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971) is amended as follows:

(1) in subsection (a), in the matter preceding paragraph (1), by striking “to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States” and inserting “to States, Indian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities”; and

(2) in subsection (b)—

(A) by inserting “(1) the term” before “‘Indian tribe’ means”;

(B) by striking “Indians.” and all that follows through the period at the end and inserting “Indians; and

“(2) the terms ‘rural area’ and ‘rural community’ have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).”.

## **Subtitle D—Preventing Crime**

#### **SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.**

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking “an offense that” and inserting “a felony-level offense that”.

**SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.**

(a) **MINIMUM ALLOCATION REPEALED.**—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Such section is further amended by adding at the end the following new subsection:

“(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.”.

**SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.**

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking “offenders with substance abuse problems” and inserting “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems”.

**SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.**

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

“(d) **DEFINITION.**—In this section, the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

“(1) directed at the substance abuse problems of the prisoners; and

“(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.”.

## Subtitle E—Other Matters

**SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.**

(a) **INCREASE IN AMOUNTS COLLECTED BY DEBT-COLLECTION ACTIVITIES THAT MAY BE CREDITED TO WORKING CAPITAL FUND.**—Section 11013 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1823; 28 U.S.C. 527 note) is amended by striking “3 percent” and inserting “6 percent”.

(b) **CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.**—Section 204(f) of such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking “section 6503(d)” and inserting “sections 3335(b) or 6503(d)”; and

(2) by striking “section 6503” and inserting “sections 3335(b) or 6503”.

(c) **SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.**—Section 204(f) of such Act is further amended by striking “pursuant to section 501(a)” and inserting “pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)”.

(d) **FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.**—Section 530C(b) of title 28, United States Code, is amended—

(1) in paragraph (2), in each of subparagraphs (A) and (B), by inserting “for the Bureau of Alcohol, Tobacco, Firearms, and Explosives,” before “for the Drug Enforcement Administration.”; and

(2) by adding at the end the following new paragraph:

“(8) **BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.**—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.”.

(e) **AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.**—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such

section applies with respect to any other agency and the undercover investigative operations of such agency.

**SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.**

(a) **COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.**—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after “the Bureau of Justice Statistics,” the following: “the Office for Victims of Crime,”.

(b) **SETTING GRANT CONDITIONS AND PRIORITIES.**—Such section is further amended in subsection (a)(6) by inserting “, including placing special conditions on all grants, and determining priority purposes for formula grants” before the period at the end.

**SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.**

(a) **COMPLIANCE PERIOD.**—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) **TIME FOR REGISTRATION OF CURRENT ADDRESS.**—Subsection (a)(1)(B) of such section 170101 is amended by striking “unless such requirement is terminated under” and inserting “for the time period specified in”.

**SEC. 244. REPEAL OF CERTAIN PROGRAMS.**

(a) **SAFE STREETS ACT PROGRAMS.**—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) **CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.**—Part F (42 U.S.C. 3769–3769d).

(2) **FAMILY SUPPORT.**—Part W (42 U.S.C. 3796jj–3796jj–7).

(3) **MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.**—Part AA (42 U.S.C. 3797a–3797e).

(b) **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.**—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) **LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.**—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) **ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.**—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) **IMPROVED TRAINING AND TECHNICAL AUTOMATION.**—Subtitle E of title XXI (42 U.S.C. 14151).

(4) **OTHER STATE AND LOCAL AID.**—Subtitle F of title XXI (42 U.S.C. 14161).

**SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.**

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) **NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.**—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking “(a)” before “Whenever.”

(2) **FINALITY OF DETERMINATIONS.**—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking “, after reasonable notice and opportunity for a hearing,”; and

(B) by striking “, except as otherwise provided herein”.

(3) **REPEAL OF APPELLATE COURT REVIEW.**—Section 804 (42 U.S.C. 3785) of such part is repealed.

**SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.**

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) **INDIAN TRIBE.**—Subsection (a)(3)(C) of such section is amended by striking “(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))”.

(2) **COMBINATION.**—Subsection (a)(5) of such section is amended by striking “program or project” and inserting “program, plan, or project”.

(3) **NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.**—Subsection (a)(11) of such section is amended by striking “which” and inserting “, including faith-based, that”.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking “and” at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(26) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(27) the term ‘private person’ means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).”.

**SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.**

Section 4006(b)(1) of title 18, United States Code, is amended—

(1) by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(2) by striking “shall not exceed the lesser of the amount” and inserting “shall be the amount billed, not to exceed the amount”;

(3) by striking “items and services” and all that follows through “the Medicare program” and inserting “items and services under the Medicare program”; and

(4) by striking “; or” and all that follows through the period at the end and inserting a period.

**SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

**“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

**“(a) ESTABLISHMENT.—**

“(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General.

“(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b).

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

**“(b) COVERED PROGRAMS.—**The programs referred to in subsection (a) are the following:

“(1) The program under part Q of this title.

“(2) Any grant program carried out by the Office of Justice Programs.

“(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

**“(c) PERFORMANCE AUDITS REQUIRED.—**

“(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

“(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

“(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

“(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

“(B) at the end of each year of the grant period, if the grant period is more than 1 year.

**“(d) COMPLIANCE ACTIONS REQUIRED.—**The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate

with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

“(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

“(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

#### SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

##### “SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General.

“(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

“(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Office of Justice Programs, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Office of Justice Programs, such training may be provided on a local basis to a single such participant.

“(d) BEST PRACTICES.—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office.”.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.**

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

**“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.**

“(a) **ESTABLISHMENT.**—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) **DUTIES.**—In carrying out the purpose of the Office, the Director shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.”.

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.**

(a) **IN GENERAL.**—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

**“SEC. 108. AVAILABILITY OF FUNDS.**

“(a) **PERIOD FOR AWARDED GRANT FUNDS.**—

“(1) **IN GENERAL.**—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraph (2). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) **TREATMENT OF REPROGRAMMED FUNDS.**—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(b) **PERIOD FOR EXPENDING GRANT FUNDS.**—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) **DEFINITION.**—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) **APPLICABILITY.**—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.”.

(b) **EFFECTIVE DATE.**—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

**SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.**

(a) **CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.**—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) **FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.**—The Assistant Attorney General shall ensure that, on and after September 30, 2007—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) **CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.**—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) **ACHIEVING COMPLIANCE.**—

(1) **SCHEDULE.**—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) **SPECIFIC REQUIREMENTS.**—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than October 1, 2003; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

## **TITLE III—MISCELLANEOUS PROVISIONS**

### **SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.**

(a) **STRIKING SURPLUS WORDS.**—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking “to be used to be used” and inserting “to be used”.

(b) **PUNCTUATION AND GRAMMAR CORRECTIONS.**—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking “sections” and inserting “section”.

(c) **CROSS REFERENCE CORRECTION.**—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking “title 18” and inserting “title 28”.

(d) **CAPITALIZATION CORRECTION.**—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking “CONTENTS OF WIRE OR ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC”.

### **SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.**

(a) **PUNCTUATION CORRECTIONS.**—The heading for section 1591 of title 18, United States Code, is amended by inserting a comma after “**fraud**”.

(b) **DUPLICATE SECTION NUMBERS.**—The second section 540C in chapter 33 of title 28, United States Code, is redesignated as section 540D, and the item relating to that section in the table of sections at the beginning of that chapter is amended by moving it so that it follows the item relating to section 540C.

(c) **TABLE OF SECTIONS OMISSION.**—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

“3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.”.

(d) **REPEAL OF DUPLICATIVE PROGRAM.**—Section 40155 of Public Law 103–322 is repealed.

### **SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO CONTENTS OF FBI ANNUAL REPORT.**

Section 540D(b)(1)(A) of title 28, United States Code, is amended by inserting “and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note)” after “year”.

### **SEC. 304. USE OF FEDERAL TRAINING FACILITIES.**

(a) **FEDERAL TRAINING FACILITIES.**—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) **ANNUAL REPORT.**—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

### **SEC. 305. PRIVACY OFFICER.**

(a) **IN GENERAL.**—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) **RESPONSIBILITIES.**—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

#### SEC. 306. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

Chairman SENSENBRENNER. The Chair recognizes himself for 5 minutes to explain the bill.

Last Congress, I was pleased to introduce and help secure bipartisan passage of the 21st Century Department of Justice Authorization of Appropriations Act. For the first time in over 2 decades, the Congress completely and comprehensively reauthorized the Department. During consideration of this legislation, I committed to pursuing a more regularized authorization process that ensures this committee provides the Justice Department with clear statutory guideline and continuous programmatic oversight.

The formal reauthorization process ensures this committee's institutional knowledge is imparted not only to the Department, but to the Congressional appropriators. With an annual budget exceeding \$22 billion, and a workforce of over 100,000 employees, the Department of Justice is an institution whose size is eclipsed only by its vitality to the American people. The importance of the Depart-

ment has only increased since the tragic events of September 11th, 2001.

This committee has endeavored to provide the Department with the resources to carry out its mandate to assess, prevent and punish criminals and terrorists who threaten America's domestic security. At the same time, we have worked to ensure that the Department structure, management and priorities are tailored to best promote the purposes for which it was established. This bill advances this important goal.

Over the last several months, the Committee has conducted several hearings to identify the needs and priorities of the Department. Early in June, the Judiciary Committee has a comprehensive oversight hearing with Attorney General Ashcroft, which examined the implementation of the PATRIOT Act and the Department's ongoing conduct of the war against terrorism.

In April, the Subcommittee on Commercial and Administrative Law held a hearing on the DOJ's Executive Office of United States Attorneys, the Civil Division, the Environment and Natural Resources Division, the Executive Office for U.S. Trustees and the Office of the Solicitor General.

In May, the Subcommittee on Crime, Terrorism and Homeland Security conducted two DOJ reauthorization hearings. The first considered the AFTE, FBI and DEA, while the second examined the Bureau of Prisons, the Office of Justice Programs, the U.S. Marshal Service and the Criminal Division.

In early May, the Subcommittee on Immigration Border Security and Claims held a hearing entitled, "War on Terrorism: Immigration Enforcement Since September 11th." Shortly afterwards, the Subcommittee on the Constitution conducted a hearing on reauthorization of the U.S. Department of Justice Civil Rights Division. Finally, in July, the committee's Task Force on Antitrust held an oversight hearing on the Antitrust Division.

The legislation we consider today fully reflects the wealth of information obtained during these hearings.

The bill is divided into three titles. The first title authorizes the Department of Justice appropriations requested by the President for the next 3 fiscal years. Title II makes several improvements to the Department's grant programs, including combining the Byrne Grant and LLEBG programs into a new Edward Byrne Memorial Justice Assistant Grant Program. Conditions for receiving these grants are delineated in this section.

The title also creates a much-deserved Congressional medal and plaque for public safety officers who responded to the attacks of September 11th. It enhances regional information sharing, strengthens the integrity of national criminal record databases, and helps communities prevent and reduce violent crime and illegal drug use.

Title III requires DOJ to justify its use of non-Federal property for training and conferences. This common-sense provision ensures the taxpayer funds for Department training and conferences will be spent in a manner that avoids unnecessary waste.

Title III also establishes a dedicated privacy officer at the Department to ensure the Department utilizes technologies that do not erode privacy protections relating to the use, collection, and disclosure of personally identifiable information.

I am pleased to have introduced this legislation with the co-sponsorship in support of Ranking Member Conyers. Bipartisan cooperation has been an important catalyst to ensure passage of the last Congress's reauthorization legislation. I would also like to note that, although this bill was officially introduced only yesterday, a version of it was sent to all member offices on July 18th with a note seeking comments.

Additionally, both majority and minority staff have worked for several weeks together prior to this introduction yesterday by myself and the ranking member.

I now recognize the gentleman from Michigan for whatever comments he chooses to make.

Mr. CONYERS. Thank you, Mr. Chairman.

We, collectively, tip our hat to you, for after 2 decades, we now have an authorization bill coming out of Judiciary, and the management of the second- or third-largest agency in the Federal Government isn't up to a Committee on Appropriations, and it's very important that we do this, and I know that we will continue to do it, even if you may not be chairman in the next coming session. [Laughter.]

Yes, I'll yield.

Chairman SENSENBRENNER. Will the gentleman yield?

What was that again? [Laughter.]

Mr. CONYERS. You'll have to see the recorder for whatever comments I may have made there. I'm not repeating myself.

Chairman SENSENBRENNER. Without objection, the gentleman from Michigan will be permitted to revise and extend his remarks. [Laughter.]

Mr. CONYERS. We have here the work product of both staff on both sides and a number of the members. The couple things that we need to address through the amendment process is the gentleman from New York's amendment coming to deal with the COPS program, and another amendment will be required on the Child Support Recovery Act, and I ask unanimous consent to submit my remarks, unspoken, into the record.

Chairman SENSENBRENNER. Without objection.

[The statement of Mr. Conyers follows:]

STATEMENT OF HON. JOHN CONYERS, JR.

I commend the Chairman for defending this Committee's jurisdiction and for his bipartisanship. Prior to last year, this Committee has not authorized the Department of Justice in more than 20 years, instead leaving the responsibility to the appropriators to decide what DOJ programs should be authorized and their maximum funding level. This puts a serious cramp in our Committee's critical oversight function.

To remedy this, the Chairman worked with the Democratic staff to draft bipartisan legislation based on a proposal from the Department. Aside from repealing archaic statutes and fixing errors in the law, the bill is the voice of the Committee on how the Justice Department should be funded.

Among the changes from the Administration proposal are: (1) increased funding for the Office of the Inspector General, from \$62 million to \$70 million; (2) the deletion of a provision narrowing the scope of beneficiaries of the Mychal Judge Act, which extended public safety officer benefits to chaplains; (3) increased authorization for grants to states for anti-terrorism training, from \$10 million to \$20 million; and (4) the deletion of a provision giving DOJ unfettered authority to restructure the Office of Justice Programs without congressional authorization.

This bill is not perfect, however. One major outstanding issue is how the Byrne formula grants and Local Law Enforcement Block Grants will be merged. The bill as it appears to diminish the funding given to cities, even though they tradition-

ally face a higher crime rate than other types of localities. I plan to work with the Chairman to rectify this and ensure that cities receive their fair share of grant funds.

Two major issues were left out of the original bill and will be addressed through amendments today. First is the COPS program, an important initiative that fights crime through community policing. An amendment to be offered by Rep. Weiner will reauthorize COPS through fiscal year 2006. The second is the Child Support Recovery Act, which allows grants to states for developing and enforcing criminal interstate child support laws.

I urge my colleagues to support this bill as it will be amended.

Chairman SENSENBRENNER. And without objection, all members may submit opening statements for inclusion into the record at this point.

Chairman SENSENBRENNER. Are there amendments?

The gentleman from California, Mr. Schiff?

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk. I'd like to take up Amendment .06 first.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3036, offered by Mr. Schiff.

Title IV, DNA database enhancement. Section 401, short title—

Mr. SCHIFF. Mr. Chairman, I would request consent that the amendment be deemed as read.

Chairman SENSENBRENNER. Without objection, so ordered.

[Amendment .06 to H.R. 3036 of Mr. Schiff follows:]

#### AMENDMENT TO H.R. 3036 OFFERED BY MR. SCHIFF

Act the end of the bill, add the following new title:

### **TITLE IV—DNA DATABASE ENHANCEMENT**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “DNA Database Enhancement Act”.

#### **SEC. 402. INCLUSION OF DNA SAMPLES FROM ALL PERSONS CONVICTED OF VIOLENT FELONIES.**

Section 2(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(b)) is amended in paragraph (3) by inserting before the semicolon at the end the following: “, provided that each violent felony under the law of that State shall be treated for purposes of this section as a qualifying State offense”.

#### **SEC. 403. AUTHORIZATION FOR STATES TO UPLOAD DNA SAMPLES COLLECTED IN A LAWFUL MANNER.**

Section 210304(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(a)) is amended—

(1) in paragraph (1), by inserting “arrested for or” before “convicted of crimes”;

(2) in paragraph (3), by striking “; and” at the end;

(3) in paragraph (4), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(5) analyses of DNA samples from other persons, as authorized under the laws of the jurisdiction in which the samples were collected.”.

#### **SEC. 404. REQUIREMENT THAT LAW ENFORCEMENT OFFICERS BE ABLE TO COMPARE COLLECTED DNA SAMPLES WITH NATIONAL DATABASE.**

Section 2(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(b)), as amended by section 402, is further amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(6) include a certification that the State does not, by statute, rule, or regulation, prohibit or limit the comparison by a law enforcement officer of (A) the results of a DNA analysis carried out on a DNA sample lawfully obtained by such officer with (B) the information in such Combined DNA Index System.”.

**SEC. 405. REAUTHORIZATION OF DNA BACKLOG GRANT PROGRAM.**

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

- (1) in paragraph (1)—
  - (A) by striking “and” at the end of subparagraph (B);
  - (B) by striking the period at the end of subparagraph (C) and inserting “; and”; and
  - (C) by adding at the end the following:
    - “(D) such sums as many be necessary for fiscal years after fiscal year 2003.”; and
- (2) in paragraph (2)—
  - (A) by striking “and” at the end of subparagraph (C);
  - (B) by striking the period at the end of subparagraph (D) and inserting “; and”; and
  - (C) by adding at the end the following:
    - “(E) such sums as many be necessary for fiscal years after fiscal year 2004.”.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. I thank the chairman for yielding.

This amendment provides for enhancement of the DNA database in the following respects:

Prior legislation provides that States that collect analysis of DNA samples from each person convicted of a felony of a sexual nature. This amendment would broaden that provision to require that all individuals convicted of violent felonies would also have their DNA uploaded into the DNA database.

Second, the measure also improves existing law in that current law only authorizes the inclusion of samples in CODIS from those convicted of felonies. This provision would facilitate crime solving and information sharing among local and State law enforcement agencies by permitting States, not requiring, but permitting States to also upload samples of a person preconviction, provided that the sample was taken lawfully.

This is important because, while there is currently a ban on uploading samples from persons preconviction, many States already collect this information and store it in their State DNA databases. This would facilitate crime solving by permitting States to upload this and take advantage of the Federal database as well.

And, finally, this would ensure that law enforcement can compare collected DNA samples with the national database. These three changes, which are similar to provisions that the administration has also embraced, will help us make use of perhaps one of the most powerful tools for solving unsolved violent crimes and, in many respects, one of the most underutilized tools in that process.

So this, I think, will not only succeeded in helping us take murderers and rapists off the street, but resolve a lot of crimes that otherwise would go unsolved. And I would urge the Committee's support for the bill and reserve the balance of my time.

Chairman SENSENBRENNER. Anybody else wish to speak on this amendment?

[No response.]

Chairman SENSENBRENNER. The question is on the adoption of the Schiff amendment.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment is agreed to.

Are there further amendments?

Mr. SCHIFF. Mr. Chairman, I have another amendment.

Chairman SENSENBRENNER. The gentleman from California?

Mr. SCHIFF. Amendment 061.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3036 offered by Mr. Schiff.

At the end of Title II of the bill, add the following new section:  
Section "blank." Report to Congress on——

Mr. SCHIFF. Mr. Chairman, I would request consent that the amendment be deemed as read.

Chairman SENSENBRENNER. Without objection, so ordered.

[Amendment 061 to H.R. 3036 of Mr. Schiff follows:]

AMENDMENT TO H.R. 3036 OFFERED BY MR. SCHIFF

At the end of title II of the bill, add the following new section:

SEC. \_\_\_\_ . REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained;

\* \* \* \* \*

(3) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman and members, this amendment is relatively simple. It requires a report to Congress on the status of U.S. persons or residents detained on suspicion of terrorism, provides that every year, basically every 12 months, the Attorney General would submit to Congress a report on the status of persons that have been detained, specifying the number of such persons detained, for each person or resident so detained, would identify the person, state the basis of the detention, and finally would specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

This issue has been the subject of a number of hearings, in this committee and elsewhere, as we try to grapple with some of the detention policies that are part of the war on terrorism. In particular, when the Attorney General was in the Committee, he stated that the Department itself didn't determine the treatment of individuals as a criminal defendant or as an enemy combatant, but participated in the process and made recommendations.

But we have yet to gain a better understanding from the administration about what the basis is for recommending that a person be treated as a criminal defendant or whether they be treated as an enemy combatant, and the consequence of that determination is very significant.

If they're treated as a criminal defendant, they have the whole panoply of due process rights, the right to a jury trial, the right to cross-examination, et cetera. If, on the other hand, they are treated as an unlawful enemy combatant, as in the case of Jose Padilla, for example, an American citizen, then they can be detained indefinitely without access to counsel, according to the administration, without any jury trial or really any trial in a criminal court for that matter.

I think it's important that the Congress vigorously oversee the detention issue and also the determination of enemy combatant status and really require that those standards be made public so that we can be assured they're not being made on an arbitrary basis or that merely being made on the basis of a lack of really strong evidence.

Obviously, it would be problematic if the policy were that we will treat suspects as criminal defendants when we can prove, beyond a reasonable doubt, they have committed a crime, but where the evidence is weaker, and we cannot prove to that degree, we will designate them as an enemy combatant, and therefore not have to go forward with proof.

So this would give the Congress, I think, a more complete sense of the numbers of people being detained and the basis, as well as the standards that the Justice Department is using to designate people as defendants or as enemy combatants, and I would urge the committee's support for the amendment and retain the balance of my time.

Chairman SENSENBRENNER. The question is on—

Mr. SCHIFF. The gentleman from Indiana, Mr. Hostettler.

Mr. HOSTETTLER. Mr. Chairman, I would ask to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. HOSTETTLER. Mr. Chairman, I rise in opposition to a particular portion of the bill that I think would be detrimental to the war on terrorism, in that the Justice Department is not wanting to divulge the identity of an individual who may be under investigation for terrorism, the reason being that this information would potentially key terrorists or terrorist organizations as to obviously who is being investigated, and therefore what is going to be the nature of that investigation.

And this information may be, as I said, very detrimental to the war on terrorism and specifically detrimental to the particular investigation, as well as informing the enemy of the plans of the United States Government regarding the investigation of a terrorist or, in this particular case, an alleged terrorist.

So, Mr. Chairman, as the amendment stands now, I would oppose the amendment.

Mr. SCHIFF. Will the gentleman yield?

Mr. HOSTETTLER. Yes, I will yield to the gentleman.

Mr. SCHIFF. I would assume that when someone is arrested or detained, particularly if someone is arrested or detained as a criminal defendant, it is ultimately made a matter of public record because they have a right to counsel, they have a right to make a phone call, et cetera. And at some point this has to become a matter of public record.

If the gentleman would be supportive of the bill, if amended, I would be happy to consider either, A, requiring that some of the information be reported to Congress, in the discretion of the Attorney General, in a classified form, or be that there be a reasonable time period upon which, after the detention occurs, that the report be made to Congress or a combination of both, if that would satisfy the gentleman's concerns.

Mr. HOSTETTLER. Reclaiming my time.

In many cases, these individuals are, in fact, aliens that are being held for violation of immigration laws, and therefore the standard rules do not necessarily apply to them.

Mr. SCHIFF. Does the gentleman support the bill, with the exclusion of Subsection 2, which would provide, rather, that the number of persons be detained be identified to the Congress and the standards be disclosed to the Congress?

Mr. HOSTETTLER. At this point, I would not oppose the amendment if it would strike Section 2, Subsection 2.

Mr. SCHIFF. If I may, if the gentleman would yield further, what if we proposed to amend Section 2 that provides that for each person or resident so detained, identify the basis on which the person was detained, but take out the reference to identifying the person or resident?

Mr. HOSTETTLER. The basis would likewise be information that we would not necessarily want to divulge, publicly.

Mr. CONYERS. Would the gentleman from California yield?

Chairman SENSENBRENNER. The time belongs to the gentleman from Indiana.

Mr. HOSTETTLER. I yield to the gentleman from Michigan.

Mr. CONYERS. It occurs to me that this is a very important colloquy going on. And one way is to allow the Department itself to determine what should be classified and what should not be, which I think they'll do anyway. And that way we won't have to decide it for them on this particular morning in September. Let's just let the Department, they're not going to compromise their investigations. So I think it might settle the desires of both my colleagues on the committee.

I thank the gentleman for yielding.

Mr. HOSTETTLER. Reclaiming my time. I would agree with the gentleman in that, if members of Congress, or even this committee, in a classified setting, wants to obtain this information, we can do it, but I think the publication of the information would not be helpful in other than a setting that is already available to members of Congress.

Mr. SCHIFF. If the gentleman would yield, I would be happy to amend the language to provide that the information in Subsection 2 be provided in a classified form pursuant to the request of the Department of Justice and available on demand by the members of the Congress or the committee.

Mr. HOSTETTLER. Reclaiming my time.

That is already available. I mean, as I said, the Congress already has the wherewithal to obtain this information, and I don't think we need to be adding another task to the burden of the war on terrorism in order to do something formally that can be done informally. And so I—

Mr. SCHIFF. If the gentleman would yield one last time.

Chairman SENSENBRENNER. The gentleman's time has expired.  
The question—

Mr. CONYERS. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. I rise in support of the amendment.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CONYERS. I hope my colleague from California will just strike section 2, and maybe that will bring us all into a majority position on this subject.

Mr. SCHIFF. Will the gentleman yield?

Mr. CONYERS. Yes, of course.

Mr. SCHIFF. I would be glad to entertain the ranking member's section and strike Section 2 of the amendment.

Chairman SENSENBRENNER. Does the gentleman ask unanimous consent to strike Section 2 of the amendment?

Mr. SCHIFF. Yes, Mr. Chairman.

Chairman SENSENBRENNER. Without objection, so ordered, and Section 2 is stricken.

Mr. CONYERS. Now, let me just conclude by pointing out that asking the Department of Justice for this information, some of my colleagues will be shocked to know, will be the biggest waste of time you could indulge yourselves in. They won't give it. And that's why we've got this measure before us. Not only that, they're shifting around hundreds of people from prison to prison. Their lawyers don't know where they are, their family doesn't know where they are. And guess what? Months later, they release them. They're never charged.

So this amendment has to be regarded as a very important one, and I think the investigatory and other responsibilities of the Department of Justice will be satisfied by the striking of Section 2, and I hope that our colleagues will join us in this provision.

I yield back.

Mr. SCOTT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I also support the amendment and yield to the gentleman from California.

Mr. SCHIFF. I thank the gentleman for yielding, and I just wanted to say, very briefly, I appreciate the point that was raised by my colleague on the other side, and I appreciate his support for the amendment, having extricated Section 2 of the bill, and would yield back the balance of my time.

Mr. SCOTT. Yield back.

Chairman SENSENBRENNER. The question is on adoption of the Schiff amendment, as modified.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment, as modified, is agreed to.

Are there further amendments?

The gentleman from California, Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman. One last amendment at the desk, 062.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3036 offered by Mr. Schiff.

At the end of the bill, add the following new section, Section "blank."

Mr. COBLE. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from North Carolina.

Mr. COBLE. I reserve a point of order.

The CLERK. Sentencing reform.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, subject to the reservation of the point of order by the gentleman from North Carolina.

[Amendment 0623 to H.R. 3036 of Mr. Schiff follows:]

AMENDMENT TO H.R. 3036 OFFERED BY MR. SCHIFF

At the end of the bill, add the following new section:

SEC. \_\_\_\_ . SENTENCING REFORM.

(a) IN GENERAL.—Section 401 of the PROTECT Act (Public Law 108–21; 117 Stat. 667) is amended by striking subsections (d), (h), and (n).

(b) AMENDMENTS UNDONE.—The following provisions are each amended to read as that provision read immediately before the amendments to that provision by section 401 of the PROTECT Act were carried out:

- (1) Section 3742 of title 18, United States Code.
- (2) Section 994(w) of title 28, United States Code.
- (3) Section 991(a) of title 28, United States Code.

Chairman SENSENBRENNER. The gentleman from California is recognized for 5 minutes.

Mr. SCHIFF. I thank the chairman.

Mr. Chairman and members, in the final hours of consideration on the Amber Alert bill in the House, which became known as the PROTECT Act, there was an amendment offered that made substantial and far-reaching changes with regard to the sentencing guidelines.

These changes were made without any careful review and consideration by this committee, without a single hearing on the subject in the committee. Neither the Judicial Conference nor the Sentencing Commission was provided with the fair opportunity to consider and comment on the proposal, and the changes were opposed by the Judicial Conference, and most notably, by Chief Justice William Rehnquist.

They have had a significant impact on the administration of justice that should not be resolved without careful study and deliberation. This amendment repeals only a few of those provisions that go beyond the scope of the child abduction issues in the Amber bill. And in particular there are four provisions in that amendment that are affected by this amendment. The first goes to the standard of review.

We altered in that PROTECT Act the standard of appellate court review of departure decisions from due deference regarding a sentencing judge's application of the guidelines to de novo review.

Now, I was a prosecutor before the sentencing guidelines went into effect, and I was a prosecutor after they went into effect, and the sentencing guidelines dramatically constrained judicial discre-

tion in sentencing. And that may very well have been the appropriate decision to make because of the wide disparity in sentences from one courtroom to another in the same courthouse, but to go beyond that, without adequate review, to take away a due deference standard and go to a complete blank slate de novo review is a dramatic further encroachment upon judicial discretion that I don't believe is sustained by any evidence of abuse of the departure system, and that kind of significant change should not be made by this Congress or this committee without a thoughtful review.

So the first change to the bill the amendment would make would be to restore the standard of due deference to sentencing guideline departures.

Second, the amendment restores the composition of the Sentencing Commission, which has seven members. Five of them are currently Federal judges. The law that we passed without review provides that no more than three of these Commission members may be Federal judges, and I think that restriction on judicial input was not well thought out as well.

Finally, there is a change on the chief judge requirements. We imposed a requirement on the chief judge of every Federal District Court to report the specifics of individual sentencing decisions handed down within the district. This is an unnecessary additional burden placed on the Judicial branch.

Moreover, some of these presentence reports are retained within the control of the Courts and the DOJ in order to protect the safety and privacy of people identified in the course of criminal prosecutions and sentencings, and the same concern the gentleman had about the broad release of that information I think militates against this provision.

This is all the bill does. It does not affect the other provisions, such as downward departures in child abuse and sex offense cases. And, in fact, there was great ambiguity and uncertainty in the Senate, as the debate with Senator Hatch and others indicated, about whether these provisions went beyond the child sex offenses, with many of the Senators thinking they did not, but, in fact, the provision of the bill did go beyond those offenses. This amendment, once again, returns the Amber Alert bill to a focus on child abuse, child abduction, child sex offenses.

So the untouched provisions are the downward departures in child abuse and sex offense cases, the explicit grounds for downward departure in child abuse and sex offense cases, the adjustment to substantive sex offense guidelines, acceptance responsibilities, report by the Attorney General, reform of permissible grounds of downward departure, resentencing after remand, specific written reasons for departure, all of these things remain untouched.

It's merely the most sweeping provisions that were not discussed by this committee, that were not debated knowledgeably on the floor, that go to every Federal crime, when I don't think that was the expectation when we were dealing with the Amber Alert bill.

So that is, in sum, what this amendment does, and I retain the balance of my time.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. SCHIFF. Yes, Mr. Chairman.

Chairman SENSENBRENNER. Does the gentleman from North Carolina insist on his point of order?

Mr. COBLE. I do, indeed.

Chairman SENSENBRENNER. The gentleman will state his point of order.

Mr. COBLE. Mr. Chairman, I make a point of order that the amendment is nongermane because it addresses matters not dealt with in the underlying bill. The bill does not address the sentencing provisions of the PROTECT Act.

Mr. SCHIFF. Will the gentleman yield?

Chairman SENSENBRENNER. Does anybody wish to be heard on the point of order?

Mr. SCHIFF. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from California.

Mr. SCHIFF. I appreciate the opportunity to be heard.

Mr. Chairman, in anticipation that this objection might be made, we worked with the Office of the Parliamentarian. And in the opinion of the staff of the Parliamentarian's Office, the amendment is, in fact, germane to the bill.

And I would urge the committee, not only because I think we have good, professional counsel that it is germane, but perhaps even more importantly, the fact is that on these very sweeping changes to the sentencing laws going to every Federal crime, when we have the Chief Justice of the Supreme Court in opposition to the changes, as well as the Judicial Conference, and the Sentencing Commission itself has never had an opportunity to appear before this committee to testify on these proposals, we ought to have a hearing somewhere at some time, and this seems to me a logical point to do it.

If the committee persists in the objection of germaneness, I would ask whether the chair would be willing to have a hearing and a markup on a bill on this nature so that, at some point, we may, in fact, have a reasoned discussion of this very important issue.

Chairman SENSENBRENNER. Anybody else wish to be heard on the point of order?

[No response.]

Chairman SENSENBRENNER. In the opinion of the chair, the amendment offered by the gentleman from California is not germane, and H.R. 3036 deals with the reauthorization of appropriations for the Department of Justice. It does not deal with any part of the underlying criminal law, nor does it deal with anything relating to the Sentencing Commission.

As a result, the amendment deals with matters that are not contained within the text of the original bill and is not germane under the rules of the House of Representatives, and the chair sustains the point of order of the gentleman from North Carolina.

Are there further amendments?

[No response.]

Chairman SENSENBRENNER. If there are no further amendments, the question is—

Mr. WEINER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from New York, Mr. Weiner?

Mr. WEINER. Mr. Chairman, I have an amendment on the desk, the Koby Mandell Act amendment.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3036 offered by Mr. Weiner.

At the end of the bill, add the following—

Mr. WEINER. I ask unanimous consent that it be accepted as read, considered as read.

Chairman SENSENBRENNER. The chair will allow us to review this amendment, the clerk will continue to report the amendment.

The CLERK. Title IV, Koby Mandell Act. Section 401, Short Title. This title may be cited as the Koby Mandell Act of 2003.

Section 402, Findings. The Congress finds the following:

One, numerous—

Mr. WEINER. Mr. Chairman.

The CLERK [continuing]. American citizens have been murdered or maimed by terrorists—

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The Koby Mandell Act amendment of Mr. Weiner follows:]

#### AMENDMENT TO H.R. 3036 OFFERED BY MR. WEINER

At the end of the bill, add the following new title:

### **TITLE IV—KOBY MANDELL ACT**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Koby Mandell Act of 2003”.

#### **SEC. 402. FINDINGS.**

The Congress finds the following:

(1) Numerous American citizens have been murdered or maimed by terrorists around the world, including more than one hundred murdered since 1968 in terrorist attacks occurring in Israel or in territories administered by Israel or in territories administered by the Palestinian Authority.

(2) Some American citizens who have been victims of terrorism overseas, especially those harmed by terrorists operating from areas administered by the Palestinian Authority, have not received from the United States Government services equal to those received by other such victims of overseas terrorism.

(3) The United States Government has not devoted adequate efforts or resources to the apprehension of terrorists who have harmed American citizens overseas, particularly in cases involving terrorists operating from areas administered by the Palestinian Authority. Monetary rewards for information leading to the capture of terrorists overseas, which the government advertises in regions where the terrorists are believed to be hiding, have not been advertised in areas administered by the Palestinian Authority.

(4) This situation is especially grave in the areas administered by the Palestinian Authority, because many terrorists involved in the murders of Americans are walking free there; some of these terrorists have been given positions in the Palestinian Authority security forces or other official Palestinian Authority agencies; and a number of schools, streets, and other public sites have been named in honor of terrorists who were involved in the murder of Americans.

(5) To remedy these and related problems, an office should be established within the Department of Justice for the purpose of ensuring equally vigorous efforts to capture all terrorists who have harmed American citizens overseas and equal treatment for all American victims of overseas terrorism.

#### **SEC. 403. ESTABLISHMENT OF AN OFFICE IN THE DEPARTMENT OF JUSTICE TO UNDERTAKE SPECIFIC STEPS TO FACILITATE THE CAPTURE OF TERRORISTS WHO HAVE HARMED AMERICAN CITIZENS OVERSEAS AND TO ENSURE THAT ALL AMERICAN VICTIMS OF OVERSEAS TERRORISM ARE TREATED EQUALLY.**

The President shall establish within the Department of Justice an office (hereinafter in this title the “Office”) to carry out the following activities:

(1) The Office shall create the Bringing Terrorists to Justice program, and in so doing will ensure that—

(A) rewards are offered to capture all terrorists involved in harming American citizens overseas, regardless of the terrorists' country of origin or residence;

(B) such rewards are prominently advertised in the mass media and public sites in all countries or regions where such terrorists reside;

(C) the names and photographs and suspects in all such cases are included on a web site; and

(D) the names of the specific organizations claiming responsibility for terrorist attacks mentioned on the site are included in the descriptions of those attacks.

(2) The Office shall establish and administer a program which will provide notification for American victims of overseas terrorism or their immediate family to update them on the status of efforts to capture the terrorists who harmed them.

\* \* \* \* \*

(4) The Office shall work with the other United States government agencies to expand legal restrictions on the ability of murderers to reap profits from books or movies concerning their crimes—the “Son of Sam” laws that currently exist in many States, so as to ensure that terrorists who harm American citizens overseas are unable to profit from book or movie sales in the United States.

(5) The Office shall endeavor to determine if terrorists who have harmed American citizens overseas are serving in their local police or security forces. Whenever it is found that terrorists who have harmed American citizens overseas are serving in their local police or security forces, the Office shall alert those United States Government agencies involved in providing assistance, directly or indirectly, to those forces, and shall request of those agencies that all such assistance be halted until the aforementioned terrorists are removed from their positions.

(6) The Office shall undertake a comprehensive assessment of the pattern of United States indictments and prosecution of terrorists who have harmed American citizens overseas, in order to determine the reasons for the absence of indictments of terrorists residing in some regions, such as the territories controlled by the Palestinian Authority. The Office's assessment shall then be provided to the Attorney General, together with its recommendations.

(7) The Office shall endeavor to monitor public actions by governments and regimes overseas pertaining to terrorists who have harmed American citizens, such as naming of schools, streets, or other public institutions or sites after such terrorists. In such instances, the Office shall encourage other United States Government agencies to halt their provision of assistance, directly or indirectly, to those institutions.

\* \* \* \* \*

(9) In cases where terrorists who have harmed Americans overseas, and are subsequently released from incarceration abroad, are eligible for further prosecution in the United States, the Office shall coordinate with other government agencies to seek the transfer of those terrorists to the United States for further prosecution.

\* \* \* \* \*

#### SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2003 and subsequent fiscal years such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

Chairman SENSENBRENNER. The gentleman is recognized for five minutes.

Mr. WEINER. Mr. Chairman, this is legislation that is intended to create a program, under the Department of Justice, to permit and, in fact, require the Department of Justice to more actively pursue information that may lead to the arrest and prosecution of those who engage in terrorist acts that result in the death of Americans overseas.

As you know, there have been at least 39 Americans murdered by Palestinian terrorists in the Middle East. There have been at

least two American teachers that were murdered and attacked in Indonesia in 2002. And what this legislation does is it permits and requires the Department of Justice to create a program that would maintain a website to work with foreign authorities to disseminate information, to create an awards program, to essentially pursue terrorists overseas and allow prosecutions to go on.

This would close what has been a real weakness in our prosecutions so far. If you were to try to find information on some of these crimes, some of those that are wanted for these crimes, you'd have a difficult time doing it. This creates a program to allow the Department of Justice to maintain such a database.

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. WEINER. Yes, sir.

Chairman SENSENBRENNER. I believe the gentleman has offered a very constructive amendment, and I'm pleased to support it.

Mr. WEINER. Thank you, Mr. Chairman. I yield to the gentleman from Michigan.

Mr. CONYERS. I'd be happy to join the chairman in support of your amendment.

Mr. WEINER. I yield back the balance of my time and ask for a yes vote, and I call the question.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from New York, Mr. Weiner.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment is agreed to.

Are there further amendments?

The gentleman from New York, Mr. Weiner.

Mr. WEINER. Mr. Chairman, I have an amendment at the desk. It's a COPS amendment. I don't even know what the number is.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3036 offered by Mr. Weiner and Mr. Meehan.

At the end of the bill, add the following new section: Reform of COPS—

Mr. WEINER. Mr. Chairman, I ask unanimous consent that the bill be considered as read.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The COPS amendment of Mr. Weiner and Mr. Meehan follows:]

AMENDMENT TO H.R. 3036 OFFERED BY MR. WEINER AND MR. MEEHAN

At the end of the bill, add the following new section:

SEC. \_\_\_\_ REFORM OF "COPS ON THE BEAT" GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include" and inserting "USES OF GRANT AMOUNTS.—Grants made under subsection (a) may be used for";

(B) by redesignating paragraphs (1) through (12) as paragraphs (4) through (15), respectively; and

(C) by inserting before paragraph (4) (as so redesignated) the following new paragraphs:

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;”;

(3) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(4) in subsection (c) (as so redesignated) by striking “subsection (i)” and inserting “subsection (g)”.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd-1) is amended in subsection (d)(2) by striking “section 1701(d)” and inserting “section 1701(b)”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

“(i) \$977,624,000 for fiscal year 2004;

“(ii) \$997,176,000 for fiscal year 2005; and

“(iii) \$1,017,119,000 for fiscal year 2006.”; and

(2) in subparagraph (B)—

(A) by striking “section 1701(f)” and inserting “section 1701(d)”;

(B) by striking the third sentence.

Chairman SENSENBRENNER. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman.

Mr. Chairman, perhaps the most successful crime-fighting program that has been created by the Federal Government in many years was the COPS program. The COPS program recognized that it was time for the Federal Government to get off of the sideline and begin to help States and localities to actually put cops on the beat.

It was arguably the most successful because it definitely contributed, I would argue it was the primary contributor, to the large reductions in crime we’ve had since.

It has also been a very democratic—with a small “d”—program. There is not a single district in this country, not a single large city or small town that has not benefitted from the COPS program. The funds have been administered in a way that has provided benefits to police departments that have had as few as two or three police officers to those as large as the New York City Police Department.

Since 2000, we have been operating without an authorization of this bill. Funding has been continued on some degrees, but in recent years, the hiring component of the legislation has been completely eliminated. Over 224 co-sponsors, including members on both sides of the aisle are supporting a reauthorization of the COPS program. And with the good offices of the chairman and staff on both sides, we have been in negotiations and discussions about ways to get the program fully authorized and to address some of the concerns that opponents of the bill have had.

Some have suggested that, well, it’s not necessary any more to have another 50,000 police officers. Maybe there are some police departments that want more flexibility to buy, perhaps, communication devices, to enhance technology and police cars. And we try to address those concerns in the reauthorization legislation by not binding localities to a specific hiring goal.

The legislation that I have before you now is a result of the negotiations with the chairman and his staff to reach a number that is acceptable, and the number that we have used is last year’s au-

thorization level. It would allow categories of grants to be issued, again, administered by the COPS office.

I believe that this is something that both sides of the aisle should be able to embrace. We have heard a great deal about the proposition made by the Secretary of Homeland Security that homeland security begins in our hometowns. All of us represent districts and States that are under increasing pressure because of the war on terrorism. Police officers on the beat, law enforcement tools, grants from the Federal Government are a way to ensure that those tools are brought to bear.

This is a way for us, on this committee, to say that it is time for us to get the COPS program back up and running. It is not just me, as the sponsor, or the gentleman from Massachusetts as a co-sponsor. Over 224 of our colleagues have endorsed this. The Fraternal Order of Police, the International Association of Chiefs of Police, the International Brotherhood of Police Officers, organizations of all political stripes that deal with law enforcement are in support of this.

And let me make one final point. It is very important that we, in this committee, send a message, frankly, to OMB that we are serious about this program. Attorney General Ashcroft is a supporter. Many of us are supporters. And, frankly, the chairman has shown, in his negotiations on this bill, that he is a supporter.

The question now is are we going to fund this bill? The first step is to fully reauthorize it. We have a reasonable number for reauthorization, one that I believe the chairman supports, and I would urge my colleagues to support this program. It is going to be virtually impossible for us to go back to our districts and say that we are getting the Federal Government helping with homeland security if, at the very base level, we are not supporting the one successful program that has hired police officers throughout all of our districts, and I urge a yes vote and yield back.

Chairman SENSENBRENNER. The chair recognizes himself for 5 minutes.

I believe that the amendment by the gentleman from New York is a step in the right direction. And the majority and minority staffs and the members have been negotiating out this issue. I believe, because we are 95-percent there, it would be a mistake to lock the committee in, either to this amendment or to an amendment in the nature of a substitute, which may very well be offered in terms of how we set up and how we fund the COPS program because that will show that there is a division in this committee about how the COPS program should be administered.

Let me ask the gentleman from New York to consider withdrawing his amendment at this point in time, with a commitment that the chair will make no effort to move this bill to the floor of the House of Representatives until we reach an agreement on how to restructure, reform and fund the COPS program for the 3 fiscal years that are contained in this bill.

I am awfully afraid that having a debate and vote on various approaches to the COPS program is going to end up being counter-productive in terms of convincing the Office of Management and Budget that we are serious about extending it. So you have my commitment, if the amendment is withdrawn at this point in time, that we are going to reach an agreement before this bill comes to

the floor of the House, and we will be able, as a committee, to unanimously support what is contained in that agreement.

Mr. WEINER. Will the gentleman yield?

Chairman SENSENBRENNER. I'm happy to yield.

Mr. WEINER. Mr. Chairman, just so I understand, will there be a second separate markup on this provision or is it the intention to, I mean, in what form will we have an opportunity to revisit this issue? Because I take the gentleman at his word, and I——

Chairman SENSENBRENNER. Well, reclaiming my time.

Mr. WEINER. Sure.

Chairman SENSENBRENNER. The clock is ticking on the adjournment of this session of Congress, and I'm afraid that if we go back and have a separate markup, rather than negotiating the matter out informally, we are going to adjourn without having this bill reach the floor of the House of Representatives, and that means that when OMB is putting together the budget that the President is supposed to submit at the end of January, they will not have the opportunity to have the advice of either this committee or of the entire House of Representatives.

Now, we all know that this bill is not going to be enacted into law during 2003, and our aim is to get it enacted during 2004, but I would like to be able to reach an agreement on this so that we can get a House vote before we get out of here. You have my commitment that even though the negotiations will go on informally and not in the context of a markup, I will tell the leadership that I do not want this bill to be brought up until we reach an agreement on what COPS provisions we will put in the bill.

Mr. CONYERS. Mr. Chairman.

Chairman SENSENBRENNER. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Thank you for yielding.

I am ambivalent about this offer that you made, but I think it's perhaps the better course of wisdom. Look, let's face it, it is not—this is not a healthy environment for people to be voting against COPS bills. That is pretty clear.

But that having been said, I don't think we have to go over the cliff this morning on it. Most people here in the committee, apparently on both sides of the aisle, are supportive of continuing the police program. The question is what are the details that have to be worked out, and the committee process is not always the best place to do that.

So I join with the chairman in urging that. His word has always been good. Let's get this thing worked out between us and have a unified front on this coming out of the Judiciary Committee.

Thanks.

Mr. WEINER. Would the gentleman yield for one additional moment?

Chairman SENSENBRENNER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank you for the offer. And just given the negotiations that have gone on up to now, I have no doubt it is sincere.

I have to tell you that I have, before I make the motion accordingly, we have had some very bitter experiences with things going

to the Rules Committee and disappearing in the dead of night. Our best efforts to negotiate the PATRIOT Act is a perfect example.

We've had very bitter experiences with the appropriators, who apparently don't have a great fondness for this program.

I have a great deal of skepticism——

Chairman SENSENBRENNER. If the gentleman will yield.

Mr. WEINER. Certainly.

Chairman SENSENBRENNER. The Rules Committee doesn't have jurisdiction over a bill until the committee report is filed. I file the committee report.

Mr. CONYERS. Mr. Chairman, could I advise the gentleman to keep hope alive? I mean, for goodness sake. [Laughter.]

Mr. WEINER. Run, Conyers, run. [Laughter.]

Let me just before, as I said, I was going to make a motion, and let us not forget something else. There has been an overt hostility towards this program from OMB. I mean, the Attorney General has come here and said, in the strongest language I've been able to find from anyone, about how successful this program has been and how he thinks it's a great tool, and yet every year when the budget is handed down, COPS is getting eviscerated.

So I look forward to it, and I'm going to take your counsel on this, and you have been negotiating, up to now, in very good faith, and I think we're very close. I would argue we're close enough that probably a few more hours of discussion, and we'll have a resolution on this.

And with unanimous consent, unless, I mean, I'm offering this with Mr. Meehan, but I would ask unanimous consent to withdraw the amendment at this time.

Chairman SENSENBRENNER. Without objection, so ordered. The amendment is withdrawn.

Are there further amendments?

[No response.]

Chairman SENSENBRENNER. If there are no further amendments, a reporting quorum is present, the question is on reporting the bill H.R. 3036 favorably as amended.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the motion to report favorably is agreed to. Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today.

Without objection, the chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all members will be given 2 days, as provided by the rules, in which to submit additional dissenting, supplemental or minority views.